



Looking Back and Moving Forward **challenges and opportunities for children's** **rights research**

PhD Panels and Abstracts

Session 1 (13th of June, 15.45 - 17.00)

Power Imbalances and Decision-Making in Courts – Children's Rights in Various Proceedings

Bergsmannen, Aula Magna

Moderator: Anna Nylund, University of Bergen

Equality of Arms in out-of-home placement proceedings when deciding to place a child in care

Jolien van Boven, Leiden University, h.j.van.boven@leidenuniv.nl

The Role of 'Permanency' in the Judgements of European Court of Human Rights Regarding Adoption from Care

Petra Järvinen, Tampere University, petra.jarvinen@tuni.fi

Parental disputes involving allegations of violence and abuse

Iram Ali, University of Oslo, iram.ali@jus.uio.no

Between Litigation and Care – Children in Custody Disputes

Caroline Åvall, Stockholm University, caroline.avall@juridicum.su.se

Exploring Children's Rights: Perspectives on Education and Well-Being

Spelbomskan, Aula Magna

Moderator: Karl Hanson, University of Geneva

The right to early childhood care and education

Eloise Drure, UNIMORE, eloise.dr@outlook.fr

"I don't want to go to school" – on compulsory schooling and the rights of the child

Sara Lundberg, Uppsala University, sara.lundberg@jur.uu.se

Mental well-being of gifted students in Swedish schools

Charlotta Lindvall, Karlstad University, charlotta.lindvall@kau.se

Swedish teachers' attitudes toward the gifted

Nadine Huchthausen, Karlstad University, nadine.huchthausen@kau.se

**What about Children's Rights? Opportunities and
Challenges of CRC Implementation in National and Global
Contexts**

Polstjärnan, Aula Magna

Moderator: Aoife Daly, University College Cork

**Opportunities of UNCRC incorporation in Scotland for minority ethnic groups:
Constructing Human Rights Indicators for and with Chinese children**

Yi Yan, University of Edinburgh, y.yan-68@sms.ed.ac.uk

**The Challenge of Accountability: How to measure the progressive realization
of children's human rights?**

Felicia Szloboda, University of Edinburgh, f.szloboda@sms.ed.ac.uk

**Universality and Tradition: The Role and Implementation of the UNCRC in
Vietnam's Legal System**

Phuong Uyen Nguyen, University College Cork, np.u1128@gmail.com

**The (mis)use of history education in Russia: international human rights law
perspective**

*Anastasiia Vorobiova, Institute of Legal Studies, Polish Academy of Sciences,
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Session 2 (14th of June, 9.00 - 10.15)

Children in Conflict with the Law

Bergsmannen, Aula Magna

Moderator: Fiona Morrison, University of Edinburgh

A punitive turn in Sweden's child justice system

Amanda Lublin, Stockholm University, amanda.lublin@juridicum.su.se

Criminalised Children and the right to be heard: why perceptions matter as much as practice

Mark Yin, University of Cambridge, Mly23@cam.ac.uk

Is Police Discretion a Problem? An Exploration of the Relationship between Police Decision-making and Children and Young People in Conflict with the Law

Áine Bernadette Mannion, University College Cork, aine.mannion@ucc.ie

Development of Children's Rights in the Czech Republic

Michaela Trtkova, Masaryk University, trtkova.michaela@seznam.cz

Protecting Children's Rights Across Borders: Competing Interests and Tensions in the Children's Rights Framework

Spelbomskan, Aula Magna

Moderator: Daniel Hedlund, Stockholm University

Unduly Harsh? Children's Rights and Parental Deportation

Naomi Jackson, University of Liverpool, n.k.jackson@liverpool.ac.uk

Unaccompanied asylum-seeking children: a study on Finnish Immigration Service's asylum and family reunification decisions 2012-2019

Tiina Petrelius, University of Vaasa, tiina.petrelius@uvasa.fi

Age Assessments: Blurring the Lines of Childhood to Adulthood

Monique Mehmi, University of Liverpool, m.mehmi@liverpool.ac.uk

International Child Abductions / Temporary Custody Decisions During a Child Abduction

Ida Møller-Skuldbøl, Aarhus University, ims@law.au.dk

The Legal Capacity of the Child

Polstjärnan, Aula Magna

Moderator: Caroline Adolphsen, Aarhus University

The legal status of adolescents in health care: between autonomy and protection

Marie Goemaere, KU Leuven, marie.goemaere@kuleuven.be

How do we redefine the role of parents in the light of the CRC to enhance child participation in decision-making?

Tessa Quina, University of Hasselt, tessa.quina@uhasselt.be

The disabled child's right to legal capacity

Nayia Christodoulou, University of Galway, chr.nayia@gmail.com

Session 3 (14th of June, 10.30 - 11.45)

From Adult-Centrism to Post-Paternalism: A Paradigm Shift towards Children as Leaders and Rights-Holders

Bergsmannen, Aula Magna

Moderator: Helen Stalford, University of Liverpool

Why Do Children Have Education Rights?

Evie Heard, Queen's University Belfast, sheard01@qub.ac.uk

Transforming International Human Rights Law Through Youth Climate Activism: A Children's Rights-Based Approach to a Healthier Planet through the Right to a Clean, Healthy and Sustainable Environment

Emily Murray, University College Cork, emily.murray@ucc.ie

What emerges from South African climate change cases involving youth which develops international child rights law?

Liesl Muller, University College Cork, 123126367@umail.ucc.ie

The Child as a Legal Actor in the Enforcement of Privacy Rights

Kirsten Kvalø, University of Oslo, k.k.kvalo@jus.uio.no

Unpacking Categories: Exploring Childhood, Gender, and Social Constructs across Contexts

Spelbomskan, Aula Magna

Moderator: Katrien Klep, Leiden University

Social representations of childhood: an analytical framework for debates on children's rights in the Christmas context

Samuel Morard, University of Geneva, samuel.morard@unige.ch

The genealogy of the Girl-s Category at the United Nations (1989-1995)

Ozlem Lakatos, University of Geneva, ozlem.lakatos@unige.ch

A sociological Perspective on the Pathways of Youth Homelessness in Nigeria

*Joseph Aigbolosimon Famous, Eotvos Lorand University,
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**Navigating Uncertainty. Collaborative Children's Rights
Research**

*Polstjärnan, Aula Magna
Moderator: Wouter Vandenhole, University of Antwerp*

**Navigating a Collaborative PhD in Scotland: Reflecting on Reflexivity in
Research**

Thérèse Kearns, Queen Margaret University, tkearns@qmu.ac.uk

**What Do You Know? How Do You Know it?: A Child's right to Seek, Receive,
and Impart Information Through Child-Friendly Material**

Valerie Weisler, Queen's University Belfast, vweisler01@qub.ac.uk

**Decolonizing Children's Rights from an intersectional perspective with
children aged 2 to 5: A Participatory Post-Qualitative Research**

Laura Segarra, University of Lleida, laura.segarra@udl.cat

Session 1 (13th of June, 15.45 - 17.00)

Power Imbalances and Decision-Making in Courts – Children's Rights in Various Proceedings

Bergsmannen, Aula Magna

Moderator: Anna Nylund, University of Bergen

Equality of Arms in out-of-home placement proceedings when deciding to place a child in care

Jolien van Boven, Leiden University, h.j.van.boven@leidenuniv.nl

The nature of out-of-home placement proceedings entails a fundamental inequality of parties. Indeed, parents and children in out-of-home placement proceedings have significantly less legal knowledge and experience compared to their opposing parties: child protection authorities. These authorities are repeat players: they have been involved in many similar disputes over time. They can draw from experience, usually have several experts at their disposal, and are familiar with the procedure. Furthermore, these authorities perform a public task, based on which they can make far-reaching infringements on the family life of parents and children. Thus, these authorities have a strong position in out-of-home placement proceedings. In contrast, most families facing out-of-home placement proceedings do not. These families are often particularly vulnerable, and relatively often face issues such as lower incomes, separation of parents, and mental health problems. Moreover, an out-of-home placement is very disruptive for both parents and children: it is linked to stress and feelings of grief and loss.¹

In ECtHR case law the 'equality of arms principle' is an inherent part of the right to a fair trial. The principle requires that parties be given procedural opportunities to present their case under circumstances that do not put them at a disadvantage vis-à-vis the opposing party. It thus requires a fair balance between parties.² The ECtHR has applied this principle in various jurisdictions, even in cases concerning out-of-home placement proceedings. However, the ECtHR has applied this principle only twice in out-of-home placement cases,³ while the equality of arms principle seems strikingly appropriate for reviewing out-of-home placement proceedings, particularly given the unequal position of parties in these proceedings.

This presentation will look back at relevant ECtHR's case law on the equality of arms principle. The findings of one of the sub-questions of the doctoral research will be presented, namely: "What does the principle of equality of arms entail and which requirements flow from this principle according to the ECtHR?" To answer this sub-question, a scoping review was conducted of secondary literature on the equality of arms principle in various jurisdictions. The ECtHR cases addressed in secondary literature on the equality of arms principle were analysed to derive its significance for

out-of-home placement proceedings. This presentation moves forward by presenting the first results and insights about the meaning of equality of arms for out-of-home placement proceedings.

1 R. S. Salem & L. de Wilde, 'Life after an out-of-home placement: What biological parents in foster care tell us about parenthood', *Child & Family Social Work* 2022/27, p. 112-120; A. Graham & J. Truscott, *The Loss and Grief of Children in Out-of-Home Care: A Literatur Review*, Lismore: Centre for Children & Young People Southern Cross University 2019; D. Quick & A. L. Scott, 'Affect and Emotion in a Parent's Engagement with Statutory Child-Protection Services: Navigating Stigma and 'Identity Assault'', *British Journal of Social Work* 2019/49, p. 485-502.

2 ECtHR 27 October 1993, appl. no. 14448/88, par. 33 (Dombo Beheer B.V./The Netherlands).

3 ECtHR 21 September 2006, appl. no. 12643/02 (Moser/Austria); ECtHR 20 December 2001, appl. no. 32899/96 (Buchberger/Austria).

The Role of 'Permanency' in the Judgements of European Court of Human Rights Regarding Adoption from Care

Petra Järvinen, Tampere University, petra.jarvinen@tuni.fi

Permanency can be seen as an objective to the children deprived of their biological family. (1) The previous research about 'permanency' shows that it can be seen as a three-fold concept, consisting of legal, residential, and relational permanency. (2) The need to take all three dimensions of permanency into account when planning and performing child protection services is widely acknowledged. (3) Although the permanency can be seen as a significant part of child protection, it's not a right as such.

The aim of this study is to analyze, what kind of a standing the concept of 'permanency' has in the judgements of the European Court of Human Rights (ECtHR) regarding adoption from care. The research question can be posed as "What kind of role the notion of 'permanency' has been given in the judgements of ECtHR?" and "Can 'permanency' be seen as a legal principle or even as a right in the arguments in the judgements?". The analysis of the judgements aims to define, what dimensions of 'permanency' can be found in the arguments given by the Court. Analyzing the Court texts with the theoretical framework, it can be seen, what 'permanency' means in the context of adoption from care, and could it even be seen as a legal principle affecting the judgements.

To answer these questions, I first operationalize 'permanency' by building a theoretical framework based on the previous research by Palacios et al. and Brodzinsky and Livingston Smith. (2,3) The previous research has described permanency in child protection practice as a threefold concept. In this research I'm analyzing the texts of the judgements from the ECtHR with the previously build

framework. With the analysis it's possible to understand what kind of role the 'permanence' and stability have, when weighting whether the child should stay in foster care or should the adoption order be issued. The findings can also raise a question, if the 'permanency' should be given more powerful role in decision making and is it in the best interests of the child to have the 'permanency' aspect playing a part in decision making processes.

The main research method will be legal dogmatics, which helps me to define the legal standing of the concept of permanency. The analysis of the Courts judgements will be done with the textual content analysis. Applying different methods to the same data can help not only with systemizing the legal order but might also reveal some broader themes around the topic.

The presentation will contribute to the theme by highlighting the possibilities of interdisciplinary research and multiple methods. By analyzing the case law of the ECtHR, it will introduce the importance of the overlapping human rights systems to the realization of children's rights.

1. Skivenes, Marit – Tefre, Øyvind Samnøy (2012) Adoption in the child welfare system — A cross-country analysis of child welfare workers' recommendations for or against adoption. *Children and Youth Services Review* 34 (2012), pp. 2220–2228, p. 2222.
2. Brodzinsky, David – Livingston Smith, Susan (2019) Commentary: Understanding Research, Policy, and Practice Issues in Adoption Instability. *Research on Social Work Practice* 2019, Vol. 29(2) pp. 185–194, p. 185.
3. Brodzinsky & Livingston Smith 2019, 190; Palacios, Jesús – Brodzinsky, David – Johnson, Dana – Martínez-Mora, Laura – Selwyn, Julie – Adroher, Salomé – Grotevant, Harold – Juñer, Femmie – Muhamedrahimov, Rifkat – Simmonds, John – Tarren-Sweeney, Michael (2019) Adoption in the Service of Child Protection: An International Interdisciplinary Perspective. *Psychology, Public Policy, and Law* 2019, Vol. 25, No. 2, pp. 57–72, p. 62.

Parental disputes involving allegations of violence and abuse

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The main goal of this thesis is to examine and clarify the legal framework in parental disputes with allegations of violence and abuse, in relation to the legislative intent to protect the child.

It is a broad consensus among lawyers dealing with parental disputes involving allegations of violence and abuse, that these are the difficult disputes. "Complex child custody cases" is commonly used term for these types of cases, which to some extent characterize the nature of these cases. Parental disputes alleging violence and/or abuse raise many issues that can be challenging for all participating entities.

The focus in these cases is often directed at the parents and the actual evidence situation, rather than the child.

Today we know a lot about violence and abuse, and the long-term damages to children exposed to abuse. We have knowledge and empirical studies emphasizing how costly growing up with violence and abuse can be for children. The child's protection in parental disputes with allegations of violence and abuse demands a greater focus. The thesis will particularly focus on children and their protection needs. It aims to shed light on the legal framework (*de lege lata*), including how legal rules and their application affect children as legal subjects.

The thesis will include an analysis of the judgements from Norwegian courts in the last 3 years, and further an assessment of the corresponds to legislative intent to protect the child according to section 43 first paragraph last point of the Children's Act.

Some of the main issues addressed in the thesis will be:

Analysis of the legal framework:

- What is the legislative intent?
- What does the legislator state regarding the burden of proof and evidential weight?

Analysis of legal application:

- What are the outcomes in these parental disputes?
- Which burden of proof is applied in these cases in court?

Evaluation:

- Is the legal application in parental disputes involving allegations of violence and abuse in line with legislative intent?

The analysis of the judgements from Norwegian courts in the last 3 years will be based on judgment from Court of Appeal and District Court. The analysis will be based on predetermined markers. These markers will be linked to research-relevant facts in the case, for example:

- What evidence is available for/offered to the court,
- The legal factors the court takes into consideration,
- The outcome of the cases.

This will hopefully lead to a data basis for the analysis of similarity/dissimilarity in the court's discretionary assessments/considerations for the visitation issue given the fact: 1) The court concludes that there is a real risk to the child, 2) The court concludes that there is no real risk to the child. The differentiation is also important in order to be able to analyze if there is any expressions of tendencies in the court in the different scenarios.

The presentation will be relevant to the overall theme of the symposium, focusing on children as independent right holders and how their interests cohere with other

principals and values establish in a democratic society, such as Article 8 of the ECHR and aspects of criminal law.

Between Litigation and Care – Children in Custody Disputes

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My Ph.D. project delves into the Swedish landscape of custody disputes, encompassing conflicts over a child's custody, residence, and visitation. While the study primarily resides within the realms of Swedish family law, procedural law, child law, and public law, it concurrently explores broader questions about the role of law itself. The central focus of my thesis revolves around parental contracts and settlements governing custody matters. Specifically, I am investigating the extent to which procedural laws facilitating such settlements align with the overarching principle of the best interest of the child—an imperative in these conflicts from a formal legal perspective.

Beyond the immediate legal considerations, my research addresses the sometimes quite complex balancing act between two divergent interests: the autonomy of families to make their own decisions and state intervention in safeguarding the welfare of the child. Parental contracts, as legal instruments regulating custody, serve as a unique intersection of private and public law. Within the context of the Swedish evolving sociopolitical landscape, my project recognizes the shift from a historically quite robust welfare state to one emphasizing individual responsibility. This transition is evident not only in criminal law, particularly concerning juvenile offenders, but also in family law, notably in regulations pertaining to custody conflicts and parental settlements. Notably, approximately 60% of custody cases in Swedish courts conclude with a parental settlement.

The significance of this research stems from previous findings indicating that custody disputes adversely impact children, with recent legal adjustments failing to alleviate the complexity of disputes or enhance overall welfare. While parental settlements offer advantages such as retained control over outcomes and expedited processes, there exists a potential downside—parties may compromise on crucial values, driven by financial constraints or compelled collaboration with a violent ex-partner.

Additionally, my project acknowledges the economic benefits for the state in terms of reduced costs compared to adjudication by a judge. The overarching goal is to scrutinize the legal framework as a tool wielded by the state, assessing its effectiveness and identifying potential gaps.

The Ph.D. project encompasses two distinct studies. The first, a legal study, scrutinizes the historical evolution of legislation, unraveling the underlying objectives of family and procedural laws in Sweden concerning custody disputes. This study aims to map the legal landscape, uncovering gaps, contradictions, and other intricacies within the legal framework.

The second study employs methodologies from social science research and legal

sociology to explore how state institutions handle parental conflicts. This involves examining court procedures and social service documentation, supplemented by interviews with key stakeholders such as judges, social workers, lawyers, and mediators. By adopting a critical child perspective, inspired by Critical Children's Rights Studies, I aim to shed new light on the challenges inherent in the functioning of the legal system.

Exploring Children's Rights: Perspectives on Education and Well-Being

Spelbomskan, Aula Magna

Moderator: Karl Hanson, University of Geneva

The right to early childhood care and education

Eloise Drure, UNIMORE, eloise.dr@outlook.fr

I am currently a PhD Fellow second year, my focus research is the right to early childhood care and education and the main disciplines involved are: human rights, early education and early children development, public policy and education policies (mainly at international and regional level).

It is generally and implicitly understood that the right to education covers early childhood from birth to age 8. Indeed, most instruments of international public law include early childhood in basic or fundamental education without mentioning it as such. Current research, particularly in the fields of affective and cognitive neuroscience and early childhood development, as well as the recognition of the importance of early childhood by civil society (particularly NGOs), international organisations and UN bodies, highlight the unique needs and particularities of children in this age group. These specificities include in particular (1) the consideration of the holistic dimension with the collaboration between other sectors (the "care" of the construct "early childhood care and education") such as health, nutrition, well-being, infant and maternal protection, which implies at the political level a coherent and effective inter-ministerial intervention, (2) the necessary strong involvement of parents who are the child's first educators and a strong need for support to parenting in many contexts and in several aspects (hygiene, sleep, nutrition, screen exposition, etc), (3) the lack of investment at all levels of intervention (global, regional, national, local) in quality early childhood development (research, provision, public aids) and , in terms of financial resources (the budget allocated to this subsector is still insufficient), human resources (lack of social, political and media recognition of early childhood workers, etc.) and material and immaterial resources (unsuitable games or practices, corporal punishment, lack of respect for cultural diversity, in particular the use of a foreign language as a medium of instruction, etc). This is a sample of the list of features that highlight the importance of investing in early childhood development and its impact on the life of individuals and societies.

However, today there is no explicit and clear affirmation of a right to early childhood care and education in binding instruments of international law (treaties, declarations, charters, conventions). Research shows that the international community is beginning to take charge of this issue, but without adopting a common, consensual language.

The aim of my PhD thesis is to provide a basis for reflection and definitions of the right to early childhood education and care at international and regional level, while considering our contemporary challenges. The first step is to demonstrate the need to define the construct by means of a disciplinary overview of the theoretical foundations (basic research methodology), and then to look at the empirical foundations of the right to education by studying some of the tools and practices that implement it, such as the curriculum in education systems, an innovative pedagogy, the Reggio Approach, which is 'child rights-based', and the role of civil society in the development and promotion of the right to early childhood education (the methodology adopted here is comparable to a bottom-up approach, where theory is born from practice, so that the conceptualisation of the right to early childhood care and education construct can be adapted and appropriated by different actors, whether in the field of education, including public policy, or in international institutions). Secondly, based on the foundations identified and analysed, the right to education will be clarified, developed, explained and defined.

“I don't want to go to school” – on compulsory schooling and the rights of the child

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My presentation contributes to the overarching theme of the symposium "Looking back and moving forward - challenges and opportunities for children's rights research" by shedding light on the evolving landscape of compulsory education in Sweden and its intersection with children's rights. It highlights the pivotal role of compulsory education in democratizing access to education while emphasizing the ongoing changes and challenges in the legal framework governing education. By examining the relationship between compulsory education regulations, the Convention on the Rights of the Child, and fundamental principles such as the right to education and the best interests of the child, my presentation underscores the need for continued research and analysis in this area.

Most children in Sweden are subject to compulsory schooling, which means they must participate in school education. This participation requirement almost always means that the child must be physically present in school. Education is generally seen as exclusively positive and is one of the basic needs that guide decisions about what is in the best interests of the child in a given situation.

Without a doubt, compulsory education has been one of the single most important reforms for democratizing education and ensuring equal access to education for all children. At the same time, we are moving towards an extended and more

comprehensive compulsory education. Changes in the 2010 Education Act restricted the right to fulfill compulsory education in any other way than by attending school, and in 2018, preschool class became mandatory, extending compulsory education by one year. Furthermore, there are initiatives to make preschool compulsory from the age of five. During the same period, there has been an increase in the impact of children's rights, primarily through the incorporation of the Convention on the Rights of the Child.

The purpose of this thesis is to examine how the regulation and the legal application of compulsory education relates to the Convention on the Rights of the Child and the right to education, the principle of the best interests of the child, and the right to be heard.

The project consists of two parts. The first part can be seen as legal dogmatic. The aim is to investigate what is legally required of a student when it comes to fulfilling compulsory schooling and to analyze adults' responsibility to ensure that the child's rights are met and that the student completes their compulsory schooling. The second part consists of a case study where a large number of decisions from the Swedish Schools Inspectorate will be analyzed with the aim of gaining more knowledge about which children are absent from school, and how the child's rights, particularly the right to be heard, are expressed in the decisions.

Mental well-being of gifted students in Swedish schools

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In January 2020, the Swedish parliament decided to adopt a bill to incorporate the United Nations Convention on the Rights of the Child into Swedish law (2018:1197). This strengthened the protection of children's rights and the requirements for Swedish authorities and other actors to increase, including the right to education, health, equal treatment and nondiscrimination. Additionally, the Swedish school aims for students to acquire and develop knowledge, to promote all students' development and learning as well as a lifelong desire to learn. The education must take into account the different needs of children and students and provide students with the guidance, support, and stimulation they need to develop as far as possible (SFS 2010:800, 1 chap. 4 §). However, despite this, reports show that far from all students feel they receive the support they need (Statens Offentliga Utredningar [SoU], 2016). From a child rights perspective, gifted students have long been sidelined when school resources tend to be directed primarily towards other needs groups, resulting in the needs of gifted students not being met (Armstrong, et al., 2019; Bachtel, 2017). Gifted students learn quickly and often progress faster than age-peers, have complex ways of thinking and analyzing their environment, and need enriched learning opportunities for their well-being and to thrive (Tirri & Laine 2017). Without support these students' psychological well-being may be negatively affected and long lack of stimulation can lead to the student exhibiting behaviors resembling symptoms of neurodevelopmental disorders. In this ongoing study I examine the importance of stimulation for the mental well-being of gifted students in Swedish school grades 4 to 8. Data collection includes municipalities with enrichment and acceleration interventions aimed for students in need of more

stimulation. The study has a salutogenic perspective and a quantitative approach, with ethical approval from the Swedish Research Council. This presentation shares the theme, background and method of the research. Previously published and standardized tools were utilized - the Health Behaviour in School-age Children (HBSC) and Strengths & Difficulties Questionnaire (SDQ), and an estimation tool. Participants include students nominated by schools as being potentially gifted, a control group of age- and gender-matched peers and their parents and teachers. Results illustrate mental health status of gifted students in Swedish schools in comparison with the wider population. The study contributes to an evidence-based understanding of gifted students' mental health strengths and risks.

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SOU 2016:94. Saknad! Uppmärksamma eleverns frånvaro och agera. <https://www.regeringen.se/48d4f6/contentassets/77af60bb1e264076b19e879d53d5b58a/saknad-uppmarksomma-elevers-franvaro-och-agera-sou-201694.pdf>

Tirri, K., & Laine, S. (2017). Ethical challenges in inclusive education: The case of gifted students. I A. Gajewski (Red.), *Ethics, Equity, and Inclusive Education* (s. 239–257). (International Perspectives on Inclusive Education; Volume 9). Emerald Group Publishing. <https://doi.org/10.1108/S1479-363620170000009010>

Swedish teachers' attitudes toward the gifted

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The Convention on the Rights of the Child (UN, 1989), which was adopted into Swedish law in 2020, declares that all children have the right to education and that this education should help the child to reach its full potential. In addition, the Education Act (SFS 2010:800, 3 kap. 2 §) states that pupils who easily meet the knowledge requirements "must be given guidance and stimulation to be able to reach further in their knowledge development". Approximately five percent of students can be considered gifted (Stålnacke, 2015) and may require tailored teaching to get their needs met. If gifted students' needs aren't met, they are at

greater risk to develop mental health issues or school difficulties. Teachers are essential to gifted education and their attitudes toward giftedness and to adjustments in teaching can impact how well they cater to the needs of gifted students (Laine et al., 2019), making this study on teachers' attitudes toward the gifted relevant for the symposium.

Research on teachers' attitudes toward the gifted and their education have shown mixed results. Some studies have indicated that teachers are supportive and mostly positive toward giftedness (Laine, et al., 2019; McCoach & Siegle, 2007). Studies have also shown negative attitudes toward ability grouping but positive attitudes toward differentiation (Laine, et al., 2019), which are considered to be effective strategies for meeting the needs of gifted students. While teachers' attitudes toward the gifted have been studied for several decades internationally, research in the Swedish context is scarce. Allodi Westling and Rydelius (2008) conducted a pilot study on experienced teachers' attitudes toward giftedness and Ivarsson (2023) has explored principals' attitudes toward the gifted and their education. The authors emphasize that an examination of Swedish teachers' attitudes toward giftedness is needed.

The research question I aim to answer is; What are Swedish teachers' attitudes toward the gifted and their education? This study adopts a quantitative approach and a questionnaire will be used to gather data from Swedish teachers working in preschools and schools in one region of Sweden. The survey consists of statements about the gifted and their education. The participants will respond on a Likert scale to indicate their level of agreement or disagreement. Additionally, the questionnaire includes queries about the participants educational background, what age groups they teach and about their experiences in teaching gifted children. To enhance validity, a pilot test will be conducted before data collection. For the pilot test teachers from another Swedish region will be asked to complete the questionnaire twice to also be able to account for potential time sampling errors. Cronbach's alpha will be employed to assess reliability. This study is the first part of a doctoral research project and data collection will start in the second half of 2024.

Allodi Westling, M., & Rydelius, P.-A. (2008). The needs of gifted children in context: A study of Swedish teachers' knowledge and attitudes [konferenspresentation]. The European Council for High Ability (ECHA), Prague, Czech Republic.

Ivarsson, L. (2023). Principals' perceptions of gifted students and their education. *Social Sciences and Humanities*, 7(1). <https://doi.org/10.1016/j.ssaho.2023.100400>

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What about Children's Rights? Opportunities and Challenges of CRC Implementation in National and Global Contexts

Polstjärnan, Aula Magna

Moderator: Aoife Daly, University College Cork

Opportunities of UNCRC incorporation in Scotland for minority ethnic groups: Constructing Human Rights Indicators for and with Chinese children

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How to monitor the implementation of the United Nations Convention on the Rights of the Child (UNCRC) so that it can be realised in children's lives? A set of children's human rights indicators is one response. It is a tool to monitor the implementation of children's human rights in a specific geographical setting based on particular data, starting from an explicitly structured normative framework (Op De Beeck, 2015). Looking at the literature, several attempts have been made to construct indicators for children's human rights, such as the Belgian National Child Rights Indicators (D'hondt and Péters, 2017) and the GlobalChild Project (GlobalChild, 2021). Approaches to developing indicators vary. Some indicator sets are straightforwardly structured with a number of quantitative and qualitative indicators linked with the UNCRC, such as the KidsRights Index (Arts, Pichhili and Dubey, 2023). Some follow the Structures-Process-Outcomes (SPO) pattern, such as the European Union Agency for Fundamental Rights (FRA) indicators (FRA, 2010). Meanwhile, some researchers adopt specific approaches, such as the capability approach of the Children's Measurement Framework (Clery, Tsang and Vizard, 2014). Although indicators have been approached differently, they face similar concerns such as the validity of construction and the reliability of data (Langford and Kirkebø, 2019). Additionally, more knowledge is needed about how to involve children actively in monitoring their human rights and how to balance children's participation and adults' guidance in practice (Op De Beeck, 2015). My research will explore the construction of human rights indicators for and with children to understand how to best support

the implementation of the UNCRC in practice.

I will focus on the Scottish context as Scotland provides a unique opportunity to investigate children's human rights implementation. In December 2023, the UNCRC (Incorporation) (Scotland) Act 2024 was passed unanimously by the Scottish Parliament (Together, 2024). It is a transformative change that brings opportunities and challenges to the UNCRC implementation in Scotland. It potentially catalyses a right-based culture in Scotland and gives children direct ways to ensure their human rights are protected and fulfilled (Scottish Government, 2024). However, there are challenges about how to monitor to improve the UNCRC implementation continually. Attention is directed to creating children's human rights indicators in the Scottish context, with a particular focus on children whose rights are most at risk ((Berry et al., 2022).

I will focus on children from minority ethnic groups and their human rights in schools. Minority ethnic children are one of the most vulnerable groups whose human rights are at particular risk in Scotland (Together, 2016). Concerns are raised about how school, an essential space for children's rights to be respected, can support minority ethnic children and their human rights (Stamatović and Cicvarić, 2019). Therefore, developing indicators to monitor human rights in schools for minority ethnic children should be an integrated part of monitoring and improving the overall implementation of the UNCRC in Scotland. In my fieldwork, I will specifically focus on Chinese children due to the rapid increase in their population in Scotland (Scottish Government, 2023).

In my presentation, I will provide a critical review on children's human rights indicators. I will then present the opportunities and challenges for children's human rights in Scotland and the research gaps my PhD project can fill. I will end with an outline of my proposed empirical fieldwork, which is currently being developed and will be ready to present by June.

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The Challenge of Accountability: How to measure the progressive realization of children's human rights?

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Scotland has recently incorporated the United Nations Convention on the Rights of the Child (UNCRC) (1989) into Scots law, strengthening its commitment to realising children's human rights (United Nations Convention on the Rights of the Child (Incorporation) (Scotland) Act 2024). While legislative incorporation of the Convention is an important step, for children's human rights to become a reality, the legislation needs to be accompanied by a robust framework for monitoring the implementation of children's rights. This timely research explores how such a framework can be developed to monitor the implementation and breaches of children's human rights with a particular focus on Scottish local authorities as duty bearers to progressively realise the right to adequate housing under Article 27 of the UNCRC (1989).

I believe this topic will fit well into the overall theme of the symposium as it explores the challenge of monitoring the implementation and breaches of children's rights. The symposium will also give me the opportunity to engage in a discussion with children's rights experts on current children's rights indicator frameworks and what they consider 'evidence' in human rights monitoring.

Having effective mechanisms for accountability is a key challenge for implementing children's human rights. Article 4 of the UNCRC introduces the requirement of realising socioeconomic rights subject to the maximum available resources of the state. The requirement is therefore a progressive one that is also dependent on the resources available to the State. This points to the necessity to consider how accountability for duty-bearers is monitored and measured. A robust measurement framework is needed to take into account the responsibilities and reach of local authorities in the context of Scotland, a devolved nation of the UK.

The PhD project explores the role indicators can play in advancing accountability for children's human rights. It addresses three overarching questions on: the conceptual underpinnings for children's human rights indicators, their methodological and data collection requirements and how current monitoring frameworks in Scotland compare with other international frameworks. The research then turns to focus on a particular rights issue, children's right to adequate housing under Article 27 of the UNCRC. It explores with children and young people their views of adequate housing in Scotland and how we can measure the progressive realisation of this right.

The research is divided into three phases:

Phase 1: developing a conceptual framework to operationalise children's human rights into rights indicators for public bodies.

Phase 2: using a case study approach to explore the process of implementing a child rights monitoring framework within a public body.

Phase 3: analysing existing quantitative datasets; and new qualitative research with children and key policy and practice colleagues.

In my presentation, I focus on phase one of the research, addressing the question of what counts as 'evidence', unpacking why some data may be more privileged than others. I will explore the recent trend towards quantifying human rights and the challenges and opportunities it brings. Formulating metrics to capture social phenomena is a powerful tool as it determines what we, as a society, deem as being important to measure. Indicators are not merely data, they also reflect an ideal that can translate into universal values (Raworth, 2001). Therefore, developing indicators is a form of meaning-making and agenda-setting that can have a long-lasting

impact on how people view certain social phenomena, how societies function and where public funds are directed (McGrogan, 2016).

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Universality and Tradition: The Role and Implementation of the UNCRC in Vietnam's Legal System

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The Convention on the Rights of the Child (UNCRC) has been praised as the most widely ratified human rights treaty in the world so far. The question is why non-Western countries ratified the UNCRC so quickly even though it is criticised for being based on Western image of childhood. The speed of this adoption could suggest prioritization of broader goals, such as international integration or the pursuit of international aid, over the possible tension with traditional values. Regardless of the perspective, the CRC Convention has brought positive values of the image of children around the world. In the case of Vietnam, a country deeply influenced by Confucianism where promotes collectivism rather than individualism, became the second country in the world and first one in Asia to ratify UNCRC. In doing so, it presents a state that can offer insights into the role that CRC has brought about while also adding new understandings of the image of children and children's right protection in Vietnamese traditional culture. This paper will demonstrate the aforementioned points by examining changes in Vietnam's legal documents, notably the amendments in the Constitution of Vietnam and the Children's Law, along with a small survey conducted with a group of children aged 15-17 to assess the cultural and social factors influencing the implementation of children's rights, especially the right to participation of children in Vietnam, to clarify the overall picture.

Keywords: children's rights, UNCRC, Vietnam, Confucianism

The (mis)use of history education in Russia: international human rights law perspective

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The context

The years 2017-2028 have been established as a 'decade of childhood' in Russia, during which the state ought to devote its utmost efforts to improve children's well-being, including within education and upbringing. However, since the 2022 invasion of Ukraine, which also occurred under the pseudohistorical premise of 'denazification', the Russian government has intensified its efforts to teach Russian children the 'right' version of history, concordant with the general belligerent rhetoric. Both the Committee on ESCR (2023) and Committee on the Rights of the Child (2024) in their concluding observations qualified Russia's teaching of history as being incompatible with relevant obligations under the international human rights law. This issue is analysed in my PhD thesis titled 'The (mis)use of history education in Russia: international human rights law perspective'.

Research question

The main research question in my thesis is whether Russian legal governance of

historical memory implemented within national legislation is compatible with children's educational rights.

Theoretical starting points

My work is based on based on Freeman's realistic approach, which places importance on the social context of children, which in this case is focused on Russia. I also agree with Freeman's theory of liberal paternalism, which nevertheless puts a big emphasis on children's autonomy. Child's autonomy is the central topic of my research, with an emphasis on the individual rights of children, which do not cease to apply by virtue of passing through the school gates.

In building the analysis of legal obligations pertaining to education, I utilize the approach developed by Lundy, who argues that 'education rights' are better-suited than the more generally accepted 'right to education'. Within education rights, following Verhellen, I distinguish between 'the right to education' (referring to the educational aims) and rights in education (capturing the general treatment of children within educational institutions).

Methodology

As the central topic of my thesis is the compatibility of national laws and policies with relevant international human rights law standards, the primary method utilised is a doctrinal method or black-letter law. However, I agree with other human rights scholars (McInerney-Lankford, 2017) who argue that a purely doctrinal analysis would be insufficient for human rights scholarship. Therefore, in my work, I integrate insights from other disciplines, such as sociology, political science, psychology and pedagogy enriching the analysis and understanding of legal issues.

Main results

My overall conclusion is that history teaching in Russia is incompatible with children's educational rights. On the one hand, I argue that due to its incompatibility with educational aims, such teaching is displacing education with 'indoctrination'. On the other hand, indoctrination is incompatible with children's rights in education, due to the following. First, it impedes the child's development and causes interference with the child's autonomy; Second, it is inconsistent with the freedom of thought; And third, it deprives education rights of their empowering and emancipatory nature.

Relevance the overall theme of the symposium

Although the Russian internal legislation recognises children as direct right-holders, the paternalistic policies currently being implemented by the relevant stakeholders systematically deny children the recognition of being competent actors and denigrate them to mere objects of the government's aggressive indoctrination. Therefore, my current research resonates with the symposium's topic, analysing the legal pitfalls which allow the mistreatment of children within education.

Session 2 (14th of June, 9.00 - 10.15)

Children in Conflict with the Law

Bergsmannen, Aula Magna

Moderator: Fiona Morrison, University of Edinburgh

A punitive turn in Sweden's child justice system

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In an aim to strengthen children's rights and children's positions as independent rights holders, Sweden incorporated the UN Convention on the rights of the child in early 2020. For children within the child justice system, this should include (but not be limited to) strengthened due process rights and an improved national legal framework for children's right to a fair trial according to the CRC:s article 40. Although the modern approach on dealing with children in conflict with the law is more distinctively focused on the child's rights and special vulnerability, children have, for at least the last century, been subject to preferential treatment within various criminal justice systems. Preferential treatment strategies, aligned with several children's rights conventions, are mainly attributed to children's lack of maturity, sensibility to sanctions and lesser culpability. However, within the field of Swedish criminal and criminal procedural law, children's rights and legal safeguards are facing a serious backlash. As the public and political debates regarding the allegedly increased juvenile delinquency unravels, the core provisions of the child friendly justice system are being challenged. For example, Sweden has recently implemented new criminal procedural provisions leading to an increased number of children facing a repressive justice system which more and more resembles the criminal justice system for adult offenders. Not only has the child-friendly approach decreased, but the justice system for child offenders lacks some of the fundamental legal safeguards that are attributed to adult offenders, for example the right to a defense and the right to be presumed innocent. Even more proposals are underway, as for example investigating a possible lowering of the age of criminal responsibility and the possibility to implement more and harsher coercive measures against children. In summary, the legal development for children is facing an unprecedented backlash which risks not only long time and serious effects on children's health, development, and welfare but also the society's trust in the legal system.

Within my doctoral thesis project, I investigate and analyze the national legal framework for Sweden's youngest offenders and children in conflict with the law. The thesis measures, amongst other scales, the national legal framework relative to the CRC and other international provisions safeguarding children's rights within the child justice system. The thesis applies a legal dogmatic approach on the law, with a particular development perspective that aims to study children's rights from the

beginning of the last century until now.

Criminalised Children and the right to be heard: why perceptions matter as much as practice

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Article 12 of the United Nations Convention on the Rights of the Child (UNCRC) enshrined a right for all children to participate in decision-making on issues that affect them. Since the UNCRC was ratified, much scholarship has unpicked the practicalities of how to realise this right, and noted that it is not afforded equally to all children. However, there has been less attention on why some children have less access to this right than others – particularly children in conflict with the law.

My theoretical starting point is that children in conflict with the law, because they are children first and foremost, are no less deserving of this right to be heard; however, the extent to which they are afforded this right is bound up in adult-driven concepts and structures of punishment and justice which ascribe these children agency in the context of their offending, but deny them influence over other areas of their lives. From here, I have undertaken a literature review aiming to understand what adult-held narratives or perceptions are having this effect, or otherwise delimiting the right of criminalised children to be heard. This literature review was more narrative than systemic, that is canvassing relevant literature to elicit findings and make an argument rather than gathering every piece of available research on the topic.

The key findings/arguments of this review are as follows. Firstly, adults tend to hold negative perceptions of children in conflict with the law as risky and violent, and therefore deserving of punishment, or manipulative, that is taking advantage of opportunities to engage or participate for institutional privileges. These perceptions limit the number and nature of participatory opportunities which these children are afforded, because despite the widely stated aims of many youth justice systems as rehabilitative, their punitive or risk-management edge remains ever-present and important for some adults to maintain. The other dominant perception of children in conflict with the law is as vulnerable, which strips them of both agency in the context of their offending and influence over other aspects of their lives.

Furthermore, children themselves often reject both these narratives, sometimes expressed through refusals to participate. Other children might internalise them, and not see themselves as worthy of giving input to decision-making about their lives. Either way, these harmful narratives are pervasive and shape how these children participate (or don't), and there is relatively less room for how criminalised children might define themselves and their own narratives.

To conclude, my review identifies emerging practice approaches which aim to embed more youth participation into youth justice, such as the emergence of 'child first' or 'co-production' approaches, and argue that even these are somewhat adult-driven, and require more direct input from young people. The focus on participatory practice also belies the underlying relationship between narrative and practice: for example, scholars often discuss the importance of building meaningful, non-hierarchical relationships with criminalised children as a bedrock of participatory practice, but the ability to form these relationships is limited by perceptions of these children in the first place. Therefore, it is important to reconsider the instrumental function of children's rights, particularly Article 12, and their emancipatory potential.

This relates to the symposium's theme given the well-established corpus of literature on Article 12. Much has indeed been achieved in terms of modelling this right and guiding practice, but less explored is how perceptions of children—particularly criminalised children—impact this right. What I ultimately call for is an expansive conception of Article 12 which not only focuses on implementing the right but on disrupting harmful perceptions of criminalised children in the first place.

Is Police Discretion a Problem? An Exploration of the Relationship between Police Decision-making and Children and Young People in Conflict with the Law

Áine Bernadette Mannion, University College Cork, aine.mannion@ucc.ie

On June 30th, 1960, there were approximately 4000 children and young people confined to 51 children detention schools in Ireland, by June 2020 there were just 45 present in a single children detention campus (DoE 1960, Oberstown 2020). Such a shift is multi-factorial, however, the child as a distinct bearer of rights and the notion of detention as a last resort began to permeate international and domestic policy and practice. Ireland is seen as relatively progressive in its attempts at both decarceration and the delivery of detention for the few children and young people who experience it.

Members of An Garda Síochána (police) play the role of gatekeeper to the Irish youth justice system and discretion is key in that process (Buckley, 2021). They make the decision to refer a child to the Garda Diversion Programme [GDP], and the Director of the programme makes the ultimate decision on the acceptance and suitability of that child. All decisions that could, however, dictate the life trajectory of the child and their entrance, entrenchment, or avoidance of the justice system. It is important here to also stress that discretion enables Gardaí to do their job (Green et al., 2020). This includes at a practical level, but also, legislation, policy and procedure are not always clearly defined, therefore, without discretion, it could be impossible to be able to act in all scenarios. Ultimately, it enables Gardaí to choose to

divert a child, perhaps a grey or difficult case, affording that child the benefits of participating in the GDP.

So, what is the problem? Why is this area worthy of investigation for a PhD project? Is police discretion the problem?

Reflecting on the theme of this conference and what has been achieved regarding the decarceration of children while also reflecting on the continuing or arising challenges, this socio-legal and empirical PhD research aims to build an evidence-base, through qualitative interviews and the use of quantitative data. An under-examined area, this research explores the role of GDP, and questions the relationship of police (and judicial) decision-making with the children in detention. This paper also calls for an evaluation and defence of how I as a researcher have developed my research problem or rather research questions and methods.

An increase in the number being diverted resulting in fewer children and young people receiving detention orders, is an obvious argument. However, another conclusion is that it is producing a bifurcated system, where ultimately the children or offending behaviours that would have always led to prosecution or a custodial sentence will continue to do so, with the already entrenched becoming further entrenched (Kilkelly, 2011; Smyth, 2011; Corr, 2014). The GDP does not currently publish criteria for decision-making practices or the reasoning behind decisions, including regarding 15% on average of children that are deemed unsuitable for the programme.

The UNCRC does not explicitly include the phrase police, their decision-making, or how it might contribute to a disparity of outcome for the child, but Article 37 upholds that state parties should ensure children are not subjected to cruel or torturous treatment, and that deprivation of liberty should be a last resort. The Beijing Rules (1985, rules 6 and 11.2) do, however, recommend that discretion and decision-making practices be underpinned by consistent and clearly defined criteria, that are justified and supported by being reflective of both the needs of the children but also include training and specialisation for those undertaking the decision-making. Any criteria that may be implemented by Gardaí must also be inclusive, with child-friendly access to solutions for individuals aiming to contest how discretion was used in their case.

Development of Children's Rights in the Czech Republic

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My research topic is connected to enhancing and ensuring children's rights in criminal proceedings in which the children lacking criminal liability are in the role of perpetrators. In the Czech Republic, the situation is not ideal, and the legal system is still battling between the old-fashioned approach from the communist times and a modern approach taking into account the UNCRC in the full scope.

My main research questions are: Which branch of law should be responsible for the children committing illegal acts? And what is the actual nature of the liability of these children? To answer this the methodology of my thesis is based on a critical approach to Czech legislation taking into account the minimum standards anchored in the international statutes and comparison between Czech and relevant Norwegian legislation.

The thesis offers a complex overview of this topic with reference to both Czech and international subnational laws in the first chapter. This is followed by the procedural analysis of the applicable laws in the second chapter. The thesis is concluded with a comparative chapter focused on Norwegian law. My presentation would be focused on the brief introduction of the Czech legislation and afterward on the obstacles I came across regarding the discrepancies between the Czech legislation and international statute with examples from Norwegian law.

Protecting Children's Rights Across Borders: Competing Interests and Tensions in the Children's Rights Framework

Spelbomskan, Aula Magna

Moderator: Daniel Hedlund, Stockholm University

Unduly Harsh? Children's Rights and Parental Deportation

Naomi Jackson, University of Liverpool, n.k.jackson@liverpool.ac.uk

Naomi's PhD is focused on children's rights at the intersection of immigration law and criminal justice, specifically concerning the rights of children in the context of parental deportation.

People with insecure immigration status who are sentenced to 12+ months custodial sentence are automatically subject to deportation proceedings. Revoking a deportation is very difficult; for children's rights to tip the balance in the decision-making process it must be demonstrated that it would be "unduly harsh" for the child to either be removed from the UK with the deportee parent, or for them to remain in UK and be separated from the deportee parent. Parental deportation means children routinely being indefinitely separated from a parent because of immigration controls. The 'unduly harsh' test sets an elevated evidential threshold for the harm resulting from child-parent separation making it very difficult to satisfy and calling into question its compliance with the UNCRC.

Gaining a clear understanding of how many children are impacted by parental deportation is difficult because the Government (Home Office and Ministry and Justice), do not appear to be collating this data. Instead an estimation of the scale of the issue has to be extrapolated from the available statistics. As such, as of the end of June 2023, there were at least 10,321 foreign nationals in prison in England and Wales, out of a total prison population of 85,851. There were 11,769 foreign national

offenders subject to deportation action living in the community, as of 30 September 2022. Given that in June 2023 there was over 20,000 people eligible for deportation either in prison or in the community, it is not unreasonable to assume that a significant proportion of these people are also parents and therefore the number of children impacted annually by parental deportation is somewhere in the thousands, maybe up to 10,000?

This PhD research follows on from a pilot project (2022-24) carried out by Naomi Jackson and other researchers at the University of Liverpool and University of Birmingham in conjunction with two charities: Bail for Immigration Detainees (BID) and Social Workers Without Borders (SWWB). This involved a review and detailed analysis of 15 cases drawn from BID and SWWB's casework involving children affected by deportation proceedings.

Naomi's PhD will further explore the impact of parental deportation by working directly with a sample of children to better understand the impact of parental deportation. Naomi is a social worker and is the Managing Director of SWWB, and the research design draws on her expertise in working with children and assessing children's best interests in the context of immigration and asylum matters.

This presentation will discuss the findings from the initial pilot project and share information about the research methods used to centre children in the creation of knowledge about children's rights.

Unaccompanied asylum-seeking children: a study on Finnish Immigration Service's asylum and family reunification decisions 2012-2019

Tiina Petrelius, University of Vaasa, tiina.petrelius@uwasa.fi

In my dissertation I focus on unaccompanied asylum-seeking children's rights in asylum and family reunification process in Finnish administration. My research questions are:

1. How does the Finnish Immigration Service and administrative courts implement and evaluate the best interests of the child in asylum and family reunification processes?
2. How have the amendments in the national Aliens Act affected the evaluation of the best interests of a child and child asylum-seekers' right to family life?

Children are overrepresented in the group of refugees. Between the years 2018-2022, an average of 385,000 children were born as refugees per year and currently there are over 43 million child refugees in the world. In 1990, less than 4,000 children of foreign background lived in Finland. In 2019, the number had risen to approximately 100,000 children. Roughly 100-200 unaccompanied child asylum-seekers arrive to Finland yearly. Immigration and asylum-seekers are highly

politicized topics emphasizing the need to obtain scientific information on the realization of refugee children's rights.

Article 3 of the Convention on the Rights of the Child (CRC) states that “in all actions concerning children, whether undertaken by public or private social welfare institutions, courts of law, administrative authorities or legislative bodies, the best interests of the child shall be a primary consideration”. In the Finnish Aliens Act, this provision is implemented followingly: “in decision-making based on this law, which concerns a child under the age of eighteen, special attention must be paid to the child's interest and matters related to his development and health”. The right to family life, safeguarded by article 8 of the ECHR, is another crucial right for unaccompanied asylum-seekers. Family reunification has become a main route for immigrants to settle in a new country. This has led to legal restrictions on family reunification that have been extended increasingly also to refugees.

Immigration concerning children ties together two administrative dimensions: immigration and the system of children's rights. However, children's rights are not always recognized in immigration matters as they are intended by the CRC. The immigration practices of states affect children the most deeply and unaccompanied children are one of the most vulnerable individuals in the world. In the light of previous studies, the legal interpretations of the best interests of the child in migration cases may place immigrant children in a less advantaged legal position that is typical in other cases. Migration law is characterized by duality, as the goal is both secure the rights of individuals and at the same time implement control and limit immigration. This duality causes tension which makes the research problem particularly interesting.

Usually, an unaccompanied asylum-seeker gets a residence permit on some grounds. Thus, these first level decisions are not appealed and the information that lies in these decisions stays classified within the Immigration Service. There is no existing vast and systematic research on Finnish Immigration Service's decisions, which is why there is a need for my research. My methods are legal dogmatics and for the empirical part inductive content analysis. As data I will use decisions from the Finnish Immigration Service and administrative courts from years 2012, 2014 and 2019. The data consists of unaccompanied children who have sought asylum and later family reunification.

Age Assessments: Blurring the Lines of Childhood to Adulthood

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In the United Kingdom, there has been an influx of unaccompanied asylum-seeking children (UASC) arriving via many routes. Upon arrival, many people who claim they are children are age disputed and undergo a protracted process, which potentially leaves them with a precarious immigration status. Those children are deemed to be some of the most vulnerable people in society and require appropriate support from the Government, Home Office and Local Authorities. Since the enactment of the

Nationality and Borders Act 2022, there has been vast uncertainty for UASC who arrive in the United Kingdom, especially without documentation. This Act introduced the use of scientific methods to be used by the Secretary of State and Local Authorities, which in essence violate the human rights of UASC. More importantly, the age assessment guidance that has been submitted by the Council of Europe directs States on how to achieve a child-friendly age assessment process. This guidance is critical for States when deciding to undergo the age assessment procedure.

This paper will examine both the international (UNCRC) and domestic frameworks on age assessments. This will be done by scrutinising the international guidance from the Council of Europe, EASO Guidance, and the Committee on the Rights of the Child's complaints on age assessments. There will also be a focus on the 'benefit of the doubt' principle which calls for States to implement in the first instance, to 'give the benefit of the doubt' to unaccompanied children, that they are indeed, children. Furthermore, on the domestic level, there will be an in-depth exploration of how the UK's legal framework has departed from the international guidance on age assessments. It will consider how there is a major human right's breach for unaccompanied child when undergoing an age assessment through case law and the academic literature. Additionally, showing that the age assessment framework is impossible to establish and how this creates an agonising environment for the young person.

The overall project aims of this project are to examine how age assessments are used as instruments to dispute unaccompanied asylum-seeking children's (UASC) ages, when they enter the United Kingdom. This will be achieved by three objectives; To scrutinize the law and policy around age assessments to attempt to show if current law revokes children's rights in this context; To explore how age assessments are used to disrupt children's rights in the social care context; To begin to apply the theory of vulnerability to UASC and age assessments to explore the possibility of blurring the lines of childhood and adulthood.

Ultimately, this paper will discuss the legal challenges that unaccompanied children face and the opportunities to view these challenges through the lens of vulnerability theory.

International Child Abductions / Temporary Custody Decisions During a Child Abduction

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In 2022, 95 children were abducted from Denmark and taken abroad by one of their parents. In each of the preceding 5 years, the number has ranged between 75 to 100 children.(footnote 1) A child abduction results in the child being removed from its habitual environment including school, friendships and family connections. In addition to that, contact with the left-behind parent is often limited or even entirely cut off during the period of wrongful removal or retention.

The aim of the PhD dissertation is to examine firstly how Danish legislation contributes when it comes to preventing or reducing the risk of a child abduction, and secondly the legal ramifications of a child abduction. The starting point is taken in the weight attributed to the risk of a child abduction or a committed child abduction in connection with decisions made under the Danish Act on Parental Responsibility (APR), but also other legislation will be incorporated into the discussion, such as the Danish Criminal Code section 215 and passport legislation. I use a legal dogmatic method to describe, analyse and systematize valid law based on legislation, case law, preparatory works, administrative practices, and other literature.

The weight attributed to a risk of a child abduction will, among other things, be examined through an analysis of decisions concerning permission for stays abroad (APR section 25(footnote 2)) and temporary custody decisions (APR sections 26 (footnote 3) and 27(footnote 4)). In such cases, the risk of a child abduction is given special consideration in the assessment of the child's best interest. What role a committed child abduction plays in decision-making will, among other things, be scrutinized through an analysis of section 26 concerning temporary custody decisions during the wrongful removal or retention, and of final custody judgments after APR sections 11 and 14.

Examining how to strike a fair balance between the competing interests at stake – those of the child, of the abducting parent, of the left-behind parent, and of public order is interesting and ECHR art. 8 is of great importance in these cases. At the symposium, I will give a presentation on temporary custody decisions during a child abduction after APR section 26 where the purpose of the decisions is to ensure the return of an abducted child. I find these decisions illustrative of the balancing of the child's best interests (both The Hague Child Abduction Convention and The Convention on the Rights of the Child) and the interests of the parents.

My research is an important contribution to moving children's rights research regarding child abductions forward. Despite the significant impact a child abduction has on the child involved and the number of annual cases, there is limited literature available in a Danish context. My research aims to bring clarity to the legal aspects of child abductions, particularly parental responsibility cases, and as mentioned above, how the legislation can contribute to the prevention of child abductions. Where I find current legislation lacking on the basis of my legal dogmatic analysis, I propose legislative amendments that could improve children's rights legislation in the future.

1) Jf. <https://english.boernebortfoerelse.dk/statistics> , Key figures on child abduction cases to and from Denmark in 2017-2022, figure 1.

2) After section 25, a custodian parent can apply for permission for stays abroad, which according to section 3(2) is necessary when parents disagree about the custody.

- 3) Decisions concerning temporary custody and place of residence made by Family court or The Agency of Family Law.
- 4) Decisions concerning temporary custody made by the Child Abduction Unit (Danish Central Authority) because of a risk of child abduction.

The Legal Capacity of the Child

Polstjärnan, Aula Magna

Moderator: Caroline Adolphsen, Aarhus University

The legal status of adolescents in health care: between autonomy and protection

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As children grow up, their capacities unfold. The UN Convention on the Rights of the Child (UNCRC) requires that parental direction and guidance be provided in a manner consistent with the evolving capacities of the child. The more children acquire competencies and increasing levels of agency to take responsibility and exercise their rights, the more his or her parents will have to transform direction into reminders and gradually to an exchange on an equal footing. At the same time however, parents should care for the health, education and development of their children and provide an adequate level of protection. When providing healthcare to adolescents, healthcare professionals must comply with the legal requirements including obtaining an informed consent and respecting their duty of confidentiality. The growing autonomy of adolescents raises specific questions in the triangular relationship between a child, parents and healthcare professionals. Think about end-of-life decisions, abortion and gender transitions. It is up to the legislator to strike a balance. Moreover, all States Parties must consider the evolving capacities of adolescents. The way in which countries interpret this varies widely, resulting in different models for minors to participate in medical interventions.

Through a comprehensive legal and comparative analysis of the legal framework governing medical decisions involving minors, my doctoral thesis seeks to investigate, assess, and propose remedies to the identified challenges concerning the legal status of adolescents in health law. Primarily, this research scrutinizes the legal status of adolescents in healthcare across three European jurisdictions: Belgium, the Netherlands, and the United Kingdom. The thesis examines the extent to which the growing recognition of adolescent autonomy has been reflected in health legislation and how lawmakers have endeavoured to reconcile the rights of the child with the rights and responsibilities of parents and healthcare providers.

Secondly, this doctoral study aims to assess the regulatory framework's compliance with article 5 UNCRC and the pertinent recommendations outlined in General Comment No. 4 on adolescent health and development, as well as No. 20 on the implementation of children's rights during adolescence. Furthermore, insights from foreign legal systems will offer valuable perspectives on the challenges within the

Belgian regulatory framework.

Lastly, my research incorporates an interdisciplinary dimension. In formulating recommendations, I will consider empirical research findings on societal expectations, particularly those pertaining to the preferences and expectations of parents, adolescents, and healthcare providers regarding medical decisions involving minors.

In my presentation, I will compare the legal position of adolescents in health care decisions in Belgium, the Netherlands, and the United Kingdom in terms of age of consent, confidentiality, access to abortion, access to euthanasia and organ donation. Secondly, the different approaches are examined for compatibility with article 5 UNCRC and the relevant General Comments.

My doctoral research and presentation align perfectly with the overall theme of the symposium, which aims to address the evolving landscape of children's rights and the challenges and opportunities they present. By analysing the legal status of adolescents in healthcare across European jurisdictions and evaluating compliance with international conventions, such as the UNCRC, it contributes to the broader discussion on children's rights and legal developments. Furthermore, the interdisciplinary approach resonates with the symposium's emphasis on learning from different contexts, disciplines and legal cultures. By proposing remedies to the identified challenges and exploring new approaches to balancing the rights of children, parents and healthcare professionals, this PhD will offer valuable insights into navigating the complexities of children's rights in contemporary legal landscapes. As a result, presenting this research at the symposium will enrich discussions on current challenges and foster dialogue on innovative solutions from diverse perspectives.

How do we redefine the role of parents in the light of the CRC to enhance child participation in decision-making?

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Challenges

The Convention on the Rights of the Child (CRC) has introduced several principles, such as the best interests of the child being the primary consideration (Article 3 CRC), the participation of the minor in all matters affecting him, the fact that the minor's views are given due weight in accordance with his age and maturity (Article 12 CRC) and the role of parents evolving from appropriate direction to appropriate guidance in the minor's development, taking into account his evolving capacities (Article 5 CRC).

However, over 30 years, states still face challenges implementing the Convention. The starting point is often still the protection of minors, with their involvement in the decision-making process not sufficiently enshrined in law. Age limits are used in many legal systems, where minors are only considered capable of being involved in the decision-making process from a certain age. This disregards the principle of the

minor's evolving capacities, since age limits are criticized in legal doctrine as arbitrary and disregarding the unique development inherent to each minor.

One of the challenges in implementing the CRC, is the role of the parents in the minor's development. It needs to be clarified how and when their role should change from appropriate direction to appropriate guidance and how these concepts can be interpreted. The question arises: What definition of the role of parents is given in the legal framework in light of the minor's evolving capacities?

Research Questions

How do member states implement the role of parents in the minor's involvement in decision-making processes and his evolving capacities in their legal framework? Differences in approach can be observed between member states in defining the role of parents and minors in the decisionmaking process. Member states use different criteria for which the minor is involved in the decision-making process to a greater or lesser extent. Sometimes the criterium is the age of minors, sometimes their maturity or a combination of both. In France, for example, parents need to involve their children in decisions that concern them, according to their age and maturity. In Scotland, parents have to provide direction and guidance in a manner appropriate to the minor's development. In the Netherlands, a minor, provided he acts with the consent of his parents, is competent to perform legal acts unless the law provides otherwise.

I will examine, from a human rights and comparative approach, what challenges member states face in implementing and redefining the role of the parents in their legal framework in accordance with the CRC, whilst also considering the evolving capacities of the minor. In the end, recommendations will be formulated to tackle these challenges.

Opportunities

As legislation shows, member states have different approaches to implementing the involvement of minors in decision-making processes and the role of parents in the development of minors as prescribed in the CRC. However, growing awareness can be noted that the position of minors needs to be strengthened and that the role of parents is dynamic and purpose-bound. Whereas the focus used to be on protecting minors, nowadays, they can more often take legal actions on their own and independently or with limited parental participation. The major problem remains that it is not clearly stated how the role of parents regarding the evolving capacities of the minor can be given shape to be in line with the CRC and to what extent lesser or greater importance should be attached to the minor's voice. I will provide more clarity on this in my lecture.

The disabled child's right to legal capacity

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The disabled persons' right to legal capacity is protected under Article 12 of the Convention on the Rights of Persons with Disabilities ("CRPD"). This provision

recognises the disabled person's right to receive assistance to realise their right to legal capacity and provides that disability should not constitute the basis for the removal of one's legal capacity. Importantly, the recognition of a person's legal capacity constitutes a precondition for the exercise and enjoyment of the full spectrum of their human rights. Despite its admitted significance, the right's applicability to children with disabilities is rather unclear.

By employing an interdisciplinary doctrinal research methodology, this research endeavours to examine how children with disabilities can exercise their legal capacity by benefiting from supported decision-making within the framework of Article 12 CRPD. Throughout the analysis, the relationship of the CRC and the CRPD regarding the right to participate in the decision-making process is evaluated, the way disabled children's social status affects their legal status is addressed, and the way psychology is used to assess children's capacity, influencing their right to participation is examined. In inquiring how these the fields of law, sociology and psychology interconnect, and how they affect the child's legal status, it is understood how children's legal capacity can be recognised under Article 12 CRPD, and how children can benefit from the supported decision-making model.

To understand the extent to which disabled children have a right to legal capacity under Article 12 CRPD, Article 7 CRPD on children with disabilities is analysed, based on an evaluation of the relationship between the CRC and the CRPD, and the norms adopted under the latter. This assessment sheds light on the added value of Article 7 CRPD, when compared to Articles 3, 12(1) and 23 CRC, in upgrading the disabled child's right to participate in the decision-making process. Provided that the substituted decision-making model and the best interests principle is rejected by the CRPD as contradicting its normative and philosophical underpinnings, its acceptance when applied to children with disabilities is assessed, and it is discussed how the best interests regime can apply to disabled children in compliance with the CRPD.

Through the exploration of the field of sociology, it is examined how childhood and disability conjunctively affect the recognition of the disabled child's legal capacity, and how childism and personhood theories have evolved throughout the years, functioning as barriers to upholding children's role in decision-making, and as obstacles to the recognition of their right to legal capacity. To identify how children's mental capacity is evaluated in the context of decision-making, the field of developmental psychology is utilised. Lastly, provided that the analysis of the aforementioned objectives shed light to the relevant obstacles and challenges for the recognition of a child's right to have their legal capacity recognised, I examine how the supported decision-making model, as adopted under the CRPD can be used in the case of disabled children.

This research is based on the preposition that the CRPD and its rightsbased approach to disability, which encompasses a transformative kind of equality, provide an added value to the children's right to participate in the decision-making process. It contributes to the scholarly discourse on children's rights by providing a theoretical underpinning for redefining the concept of legal capacity within the framework of the



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CRPD. By identifying how Article 12 CRPD can apply to disabled children, it offers a critical analysis that challenges prevailing legal paradigms.

Session 3 (14th of June, 10.30 - 11.45)

From Adult-Centrism to Post-Paternalism: A Paradigm Shift towards Children as Leaders and Rights-Holders

Bergsmannen, Aula Magna

Moderator: Helen Stalford, University of Liverpool

Why Do Children Have Education Rights?

Evie Heard, Queen's University Belfast, sheard01@qub.ac.uk

My doctoral research focuses on the intersection between children's education rights and their civil and political rights in the context of school protests. Children's involvement in protests at school, as a legitimate expression of their civil and political rights, has become more visible in recent years emphasising the need for further examination of education's role in the citizenship of young people. The proposed presentation focuses on a subchapter of my thesis which explores the relationship between philosophical approaches to education and children's education rights, the presentation will address the questions:

- 1) Why do children have education rights? And,
- 2) How can education rights and civil and political rights co-exist?

Many who have researched human rights education have stressed the pivotal role of education as a conduit for children's human rights and their future political participation, however, little has yet been explored within this field that considers the unique position of children's civil and political rights, particularly in the context of children who protest in school. This presentation, therefore, will endeavour to delve deeper into the philosophical aims of education through the lens of democracy and children's rights. While definitions of children's education rights have been established in previous literature and research, the first part of this presentation study aims to highlight the underlying principles and theoretical underpinnings that justify their existence.

The exploration of theoretical aims of education, as outlined in this study, encompasses various dimensions, including the right to development, cognitive education, moral education, education for social change, economically motivated education, education for democracy, and finally, human rights education. Each of these dimensions will be examined in light of their significance in shaping not only the individual child but also their role within society. Importantly, this research argues that neither solely instrumental (those which focus on the future of the child) nor solely intrinsic (those which focus on the child as they are now) aims of education can be fully realized in isolation. Instead, a children's rights-based perspective proposes that these aims coexist for students, and their convergence is imperative for not only the child but also for the establishment of a democratic society that respects and upholds children's human rights. This cyclical relationship between children's rights, democracy, and education underscores the interdependence of

these elements in fostering societal cohesion and progress.

The practical implementation of these theoretical aims within educational systems becomes a focal point for subsequent investigation, forming the second half of my proposed presentation. By bridging the gap between theory and practice, this research aims to offer insights into how educational paradigms can be tailored to uphold democratic principles and children's rights in real-world contexts. To do so, this presentation will explore an alternative remedy to the failings of normative schools to collectively deliver children's education rights alongside their civil and political rights, using the example of democratic schools. The proposed presentation will highlight practical examples of how children's civil and political rights are embedded into the policies and practices of democratic schools.

The research contributes to the existing field of human rights education, but from a new perspective that relays the challenge children themselves are illuminating through their protest: respect for their civil and political rights. The outcomes of this research presentation will be beneficial for those working to implement children's civil and political rights, including researchers, teachers and policy-makers.

Transforming International Human Rights Law Through Youth Climate Activism: A Children's Rights-Based Approach to a Healthier Planet through the Right to a Clean, Healthy and Sustainable Environment

Emily Murray, University College Cork, emily.murray@ucc.ie

In the face of unprecedented global warming, biodiversity loss and pervasive pollution, children and young people across the world have become prominent actors in the domain of international human rights law (IHRL) and climate activism by claiming their right to a healthy environment. Through accessing justice systems on their own terms, children and young people are increasingly holding states and governments accountable for threatening their current and future lives on the basis that they are infringing on their inherent rights as outlined by the United Nations Convention on the Rights of the Child (UNCRC). Their mobilisation on a transnational scale, advocating for themselves in systems created by and for adults, requires the legal community to rethink children's rights in this new dimension. This PhD project will be grounded in a "post-paternalistic" theoretical framework, examining children and young peoples' role in climate action and the ways in which they are proving their autonomy, competence, and ability to work in intergenerational contexts on complex societal and political issues.

Narrowing in on the environment-related children's rights, this PhD research will take an interdisciplinary approach to examine where "nature" is within the UNCRC to show the interconnectedness and interdependencies of children, their rights, and the environment. Taking a children's rights-based approach, this research aims to show that children (humans) and the natural environment cannot be separated from one another—especially regarding health—and that children's nature connectedness and relationality make them exceptional leaders in the climate arena. Children and young peoples' climate activism are increasingly drawing links between human and environmental health, frequently engaging with the right to a healthy environment in climate litigation. Children and young people are breaking down the rigid dichotomy that exists between human society and the natural world, showing that "humans are part and parcel of the planet's life systems, not separate from

them” (Ip, 2022). Linking back to the theory of post-paternalism, the research questions this PhD project intends to answer are (1) how are children and young peoples’ climate activism reshaping the paternalistic notions of children’s rights and colonial perceptions of the environment and (2) can a children’s rights-based approach (CRBA) situated in the right to a clean, healthy and sustainable environment be used to improve planetary health and reframe societal perceptions of the relationship between humans and nature.

This PhD research intends to use a sociological research methodology to better understand how IHRL – children’s rights more specifically – is being influenced by children and young peoples’ leadership and how this, in turn, is reshaping narratives around the human-environmental relationship. Using an interdisciplinary approach is required for this study since law is only one of the factors that will be analysed. Drawing on literature from global health, childhood studies, and international law, this project will paint a comprehensive picture to show the thematic connections between children as leaders, climate justice and the right to a healthy environment. Additionally, there will be a participatory component where children and young people can share their experiences and perceptions of their leadership in climate action. Overall, this presentation speaks to the overall theme of the symposium by outlining a very relevant topic in contemporary children’s rights and positioning children as agents of change.

What emerges from South African climate change cases involving youth which develops international child rights law?

Liesl Muller, University College Cork, 123126367@umail.ucc.ie

My PhD research project (started in November 2023) is a response to calls for justice from children and youth who insist on their voices being heard in matters affecting them and their futures. They have done so most notably in the global child and youth led movement to address the climate crisis. The research asks: What is the state of child participation in child and youth climate action?

The research questions are:

- What effect does child and youth climate action have on international children’s rights law?
- What is the state of youth climate action in South Africa?
- What emerges from climate cases involving youth?
- What are the views and experiences of young climate activists in South Africa?
- What is the status of young climate activists in South Africa, and what does it mean for the UN Convention on the Rights of the Child?
- What is the work of child climate advocates in South Africa, and what does it mean for the UN Convention on the Rights of the Child?
- What is post-paternalism and how does it manifest in the South African context with children as rights leaders?

The project includes elements of both doctrinal and socio-legal methods. There will be an analysis of international and domestic climate case law involving youth. There is also a fieldwork element which will involve interactions with children through art-based workshops. In this presentation I will focus on the results of my research on what emerges from climate cases involving youth. I will present my take on South Africa’s jurisprudential contribution to the transformation of child rights law to date,

and analyse cases which are pushing the limits of international child rights law, and contributing to a shift towards postpaternalism. I will position my analysis within the arena of climate change activism, a current and crucial area of activism and developing law. The study of these developments is necessary because the transformation of child rights law is unavoidable in the current state of disruption caused by youth and child climate activism.

South African jurisprudence has played a significant role in the development of both domestic and international human rights law. The country's progressive constitution, as well as the groundbreaking judgements by its Constitutional Court, have often stretched the content and meaning of rights beyond what was traditionally on offer. This has been particularly true for child rights since the advent of the UN Convention on the Rights of the Child. Not only has it fortified and expanded individual child rights, but it has also woven a child rights perspective and approach into other areas of law and life. Children's direct participation in these cases have pushed the limits of what is possible in law.

In recent years children and youth have pioneered a global movement on climate change. Not only have they managed to protest on a massive scale and influence decision makers, but they have also brought court cases against governments. This insistence on rights by youth, unprompted by adults, is causing a disruption to business as usual in child rights. Children are not waiting for adults to give them their rights. They decide what they want and assert their right to have them. This phenomenon is what Daly calls "post-paternalism", which she defines as "grassroots action from children, on a global scale, rather than well-meaning adults 'giving' children their rights."

South African courts have previously considered cases related to climate change, as well as children's participation in government decision making processes. New cases are pending before the South African courts them and they are child and youth led. These cases take an exciting new approach to CRC rights. Arguments include children's rights arguments, which are made by children, and the judgments are changing interpretations of rights. So, how are South African court cases contributing to the development of child rights law towards post paternalism? I will focus on several cases, including the most recent, ongoing #CancelCoal case brought by the youth led African Climate Alliance.

The Child as a Legal Actor in the Enforcement of Privacy Rights

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Children's right to privacy is enshrined in Article 16 of the Convention on the Rights of the Child, Article 8 of the European Convention on Human Rights, and Article 17 of the International Covenant on Civil and Political Rights, in addition to various' constitutions, including the Norwegian Constitution. The right to privacy has evolved significantly in line with changing societal norms, based on concrete cases that have altered legal positions. Thus, the development of this right is an interesting topic for

legal research under the topic of “looking back and moving forward”.

However, neither under Norwegian law nor internationally is there much jurisprudence on children's right to privacy. As noted in the literature, privacy protection is "largely fashioned from the experience of adults." At the same time, there are many threats to children's privacy, not least due to digital developments. In Norwegian societal debate, topics currently discussed include influencers using children as live advertisements in marketing, live streaming of children's sports, harvesting of children's personal data through digital learning materials in schools, and parental monitoring of children's internet activity and communication.

One question is what complaint and review mechanisms are available to children experiencing privacy violations. The UN Committee on the Rights of the Child has repeatedly pointed out the need to strengthen access to justice for children in this area. Although, as stated in the invitation for the CREAM Symposium, children's position as independent right holders and competent actors “has indeed been established”, children's opportunities to complain about violations of their rights are generally limited. Lack of legal capacity constitutes procedural limitations for children's ability to initiate proceedings. Lack of child-adaptation in processes, for example, related to lack of information, constitutes an actual limitation on children's complaint possibilities. In addition, the structure of the systems, where there is often a need for lawyers to have legal issues tried, poses a resource limitation for children.

In the development of international privacy protection for children, there is also a lack of case law. The UN Committee on the Rights of the Child has not yet addressed any individual cases concerning the right to privacy under the Third Optional Protocol on a Communications Procedure, and many countries have not yet ratified this, including Norway. In case law from the European Court of Human Rights, complaints are mostly brought by parents on behalf of children, so there is little or scarce case law on children's independent right to privacy vis-à-vis parents.

In the field of privacy, there is also a challenge in that parents in many cases manage the child's privacy protection and may also be the ones responsible for the infringements.

The purpose of this project is to shed light on the relationship between the lack of complaint mechanisms and the development of the substantive right to privacy. The central question is whether the development of children's privacy protection lags behind due to a lack of effective remedies for reviewing the infringements. The question will be attempted to be answered through analysis of case law and legal theory, particularly about the significance of effective remedies. My theoretical starting point will revolve around the theory on the relationship between capacity, legal agency and rights, drawing on well-developed scholarship in child right's literature, with contributors such as Michael Freeman, Katherine Hunt Federle, John Ekelaar and Sevda Clark.

Unpacking Categories: Exploring Childhood, Gender, and Social Constructs across Contexts

Spelbomskan, Aula Magna

Moderator: Katrien Klep, Leiden University

Social representations of childhood: an analytical framework for debates on children's rights in the Christmas context

Samuel Morard, University of Geneva, samuel.morard@unige.ch

My thesis focuses on paradoxical representations of childhood, using the evolution of the discourse on children in Christmas celebrations as a framework for analysis, from a historical sociology perspective. My hypothesis is that the analysis of scientific, political or media discourse on childhood is inseparable from the study of the social representations in which these productions of knowledge are embedded. At the interface between the social and the psychological spheres, social representations (Jodelet, 1984; Moscovici, 1998) operate in a certain cultural context and are accompanied by a more or less explicit system of values (Chombart de Lauwe and Feuerhahn, 1989). The answer to the question "What is a child?" is both an expression of the psyche and a cultural product. It impacts the way adults and children interact, the political and educational measures undertaken, the scientific approaches used, and the rights claimed for children.

Although my work is mainly situated in the field of childhood studies, I would like to seize the opportunity of this presentation to reflect collectively on the ways in which synergies could be forged with children's rights studies. My cross-cutting questions could be stimulating for the participants of this symposium. Indeed, children's rights mobilise different social representations of childhood while contributing to creating or reinforcing them. Nevertheless, it is rare for these implicit presuppositions to be deconstructed. The figure of the child as a subject of rights promoted in the 1989 Convention on the Rights of the Child coexists with other ways of looking at the child, which also influence children's rights. Based on the typology developed by Dupeyron (2010) on social representations of childhood in the western world, several ideal types can be identified:

- the child-lack, perceived pejoratively by his or her imperfections, compared to what the adult is supposed to possess. Childhood is thus a negative essence, a diminished form of humanity.
- the child-innocence, considered as a sacred source of presumed purity and authenticity. Childhood is then a positive essence, a cardinal value, a better humanity.
- the child-object, perceived within a causal framework, through the stages of his or her trajectory towards adulthood. Childhood is thus a period identified by the place it occupies in the development of the human individual. It is an object to be studied.
- the child-subject, conceived as a unique and respectable person in all his or her dimensions, endowed with freedom and equality.

- the child-presence, seen as the persistence in the adult of a creative activity synonymous with an upwardly mobile life. Childhood, then, is the mainspring of all human life, the heart of fulfilled humanity.

We need to consider how these representations combine, overlap or clash in the debates surrounding the implementation of children's rights. As the Christmas period is rich in advocacy for children, this contribution will analyse articles from the Swiss press calling for solidarity with them during this special time.

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The genealogy of the Girl-s Category at the United Nations (1989-1995)

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Drawing on archival research from the United Nations Office in Geneva (UNOG), UN libraries, databases, and interviews with Children's Rights experts, this study offers a socio-historical analysis of the emergence of the "Girl-Child" category within the UN sphere. It delves into the actors and reasons behind the adoption of this "new" terminology, contextualized within the feminist movements and the adoption of the Convention on the Rights of the Child. This interdisciplinary work bridges gender studies, UN studies, and childhood studies, anchored theoretically on Foucault's method of genealogy.

The emergence of the "girl-child" category is explored within the broader dynamics of children's and women's rights, leading to the formal recognition of the "Girl-child" category at the 1995 Beijing Conference. The paper underscores the momentum surrounding children's rights catalyzed by the adoption of the Convention on the Rights of the Child in 1989, alongside the influence of global women's conferences, which elevated gender equality issues on the UN agenda. By analyzing the contexts of children's and women's rights in the early 1990s, commonalities and antagonisms shared by these two human rights categories are highlighted. The study dissects UN conferences between 1989 and 1995, tracing the utilization and dissemination of terms such as "girl-child" and "girl-s", and examines the roles played by various actors, including individuals, NGOs, and institutions like UNICEF.

A sociological Perspective on the Pathways of Youth Homelessness in Nigeria

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The study sociological studies the pathways of youth homelessness in Nigeria with a focus on homeless youths in Lagos and Maiduguri as the case studies. The study aims to understand the root factors generating youth homelessness (the pathways into youth homelessness in Nigeria, to examine the socio-economic challenges encountered by the homeless youths (pathways through youth homelessness and understand the exit route or (pathways out of youth homelessness) in the country. The research adopts a qualitative interview method via multiple case studies. The problem is theoretically approached under the philosophical paradigm of conflict theory and critical realism of understanding the phenomenon as embodiment of a complex causal processes in which case capitalism creates domination which necessitate real mechanism which exploits and demarcates the poor and vulnerable from the main society. Methodologically, the study applies both quantitative and qualitative methods including online survey, qualitative interview, and case study. Online survey of public perception on youth homelessness in Nigeria was gathered from 132 respondents who have prior experience with youth homelessness across the country. The qualitative interviews featured 30 homeless participants of age 15-25 who were either homeless at the time of the study in Lagos and Maiduguri or who have had experience of youth homelessness in Lagos or Maiduguri are sampled out for the study. The sample comprises of 15 homeless participants from Lagos and 15 participants from Maiduguri also a total of 6 experts from the profession of social work, social psychology, and human rights advocate (3 from Lagos and 3 from Maiduguri) were sampled for experts interviews for the data collection. Interview were conducted for the homeless participants and thereafter experts' interviews were also collected. Homeless interviews were conducted in Yoruba and Hausa and recorded in English Language while experts' interviews were conducted in English language. Case study was made from each homeless participants to triangulate the data. The survey results were analysed via SPSS 28 while the qualitative data was analysed using Computer Assisted Qualitative Data Analysis Software. Thematic comparison was applied for a clear comparative analysis of the results. The results indicate that youth homelessness in Nigeria is a consequence of complex factors. The major pathways into youth homelessness in Nigeria are rooted in socio-economic failures like high rate of youth unemployment, high rate of youth poverty, high-rate level of insecurity, incessant wave, and threats of insurgencies in the north and religio-cultural ideological tendencies like the practise of almajiri education system among other things.

Navigating Uncertainty. Collaborative Children's Rights Research

Polstjärnan, Aula Magna

Moderator: Wouter Vandenhole, University of Antwerp

Navigating a Collaborative PhD in Scotland: Reflecting on Reflexivity in Research

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My PhD is a partnership with Imagine, an arts organisation bringing high-quality theatre and dance to children in Scotland, and both Queen Margaret University and the University of Aberdeen in Scotland through a Scottish Graduate School of Arts and Humanities in collaboratively funded project. This year, the United Convention Rights of the Child was implemented into Scots Law, marking a landmark moment spearheaded by children and young people. With this national change, Imagine is also striving to implement a child rights-based approach to its policy and practice, which is the focus of my PhD.

Collaboration is at the heart of my approach to children's rights research. Recent academic insights within the field of critical children's rights studies have deemed rights as 'relational' (Quennerstedt, 2010) and 'emotional' (Blaisdell et al. 2020). Within my PhD project, collaboration is happening at multiple levels and layers. My position in a partnership PhD with Imagine means I am collaborating with the organisation as well as the universities with whom I am affiliated, as well as the children Imagine works with. The children are collaborating with artists, teachers, project leaders - and me. Grounded in my reflections as a first-year PhD candidate, this paper explores how I am navigating research with Imagine including explorations of my reflexivity on the processes and the practices. I have been reflecting on how I can collect data within this web of relationships in an ethical and empathetic way while gaining trust but also establishing clear boundaries as a researcher. I have also been considering how to ensure the children's voices remain central among so many adult voices in this research.

Reflexivity is ongoing in the research process and is key to ensuring ethical research is maintained. I have worked as a freelance research assistant for Imagine and studied my MA at QMU. I also bring with my research years of working with children and in the theatre sphere. I enter the research field with assumptions that need to be interrogated, dismantled and/or reshifted to maintain a critical distance. This is key, as I plan on carrying out ethnographic work in this case study. I will also untangle the process of building and nurturing relationships and gaining trust in this insider-outsider position as well as exploring the opportunities and diversity of insight the messiness of interrelationships can foster.

What Do You Know? How Do You Know it?: A Child's right to Seek, Receive, and Impart Information Through Child-Friendly Material

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A child's right to seek, receive, and impart information – Article 13 of the United Nations Convention on the Rights of the Child (UNCRC) – is predominantly underexplored in the scope of its role as the precursor of other rights, notably the right to express views. The right to receive information is intrinsically linked with a child's right to expression: if a child does not have information on their rights and the issues that may impact them, then they cannot adequately express their views on those matters. This research seeks to address this issue with children themselves.

This project will explore the extent to which a child's right to seek, receive, and impart information is fulfilled through child-friendly material (CFM) made by informal education spaces (museums, community centers, nonprofits, etc.) and the U.S. government, discovering the significance of childmade CFM. Most studies exploring a child's right to information either neglect to include children entirely or only involve ages 14 and older. This project will include children ages 5-10 as collaborators with the researcher for the project's entirety.

Brooklyn Children's Museum (BCM) in New York City, the world's first children's museum, will be the project's research site. While the UNCRC has not been ratified by the U.S., it can still be applied as the ultimate reference for children's rights. Moreover, a child's right to information in the U.S. is validated by Article 19 of the International Covenant on Civil and Political Rights and the First Amendment of the U.S. Constitution, both of which have been ratified by the U.S. and emphasize a person's right to seek, receive, and impart information.

The project will explore these research questions:

1. How do children currently receive and impart information regarding their rights and other issues affecting them?
2. How does the realisation of the right to information change, if at all, when children author CFM (i.e. impart information) for their age group to seek and receive?
3. What are the core distinctions of child-made CFM versus adult-made CFM?

The researcher will first conduct a documentary analysis of the U.S.'s previous commitments to the implementation of a child's right to seek, receive, and impart information and the adult-made CFM that children in NYC have received at BCM and other informal education spaces. These spaces have tried to use CFM, specifically colourful pictures and simple text, to increase the potential for children to engage with information. While well-meaning, the mainstream practice of CFM does not involve children in its creation and distribution process. Thus, these documents cater to adults' assumptions of how children best take in information.

This informs the project's second, future-oriented phase: a qualitative study to analyse this data against the lived experiences of approximately 50 NYC children ages 5-10 (child advisors) and their creation of CFM through the first BCM exhibition

made entirely by children. Other children will interact with the child-made CFM alongside adult-made CFM and share their observations and preferences in semi-structured interviews with the researcher. In collaboration with child advisors, the researcher will use the project's findings to develop a child-made manual on how informal education spaces can best share information with children.

The presentation will speak to the CREAM Symposium theme – looking back and moving forward regarding challenges and opportunities for children's rights research – as this project will assess the actualisation (or lack thereof) of a child's right to information previously via adult-made CFM and create the opportunity to examine what a child's right to information would be in practice if children were collaborators in imparting the information that their peers will seek and receive.

Decolonizing Children's Rights from an intersectional perspective with children aged 2 to 5: A Participatory Post-Qualitative Research

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The theoretical starting points of the thesis draw upon various postcontemporary discourses on children's rights approaches from an intersectional perspective. Key authors shaping the theoretical foundation include Carol Gilligan on the Ethics of Care, bell hooks on transgressive pedagogies, and Hannah Arendt on critiques of power within educational values. Additionally, local Catalan authors like Laura Llevadot and Marina Garcés provide a philosophical grounding in our local reality.

The research questions explore first of all: How do we understand the principles, limits, and pedagogical practices regarding children's rights and well-being from an intersectional, non-adult-centric, and decolonizing perspective? Based on the following formulation, the second question is raised: How do children understand their rights?

Regarding the methodology, participation is emphasized as indispensable for recognizing children's rights and well-being, which leads to inquiries about: What elements must be considered to achieve the meaningful participation of children aged 2 to 5 years in expressing their well-being and rights?

The thesis is situated within the socio-educational model FRAME (Balsells et al., 2023). It aims to co-design individualized and family interventions for families at risk and/or in situations of neglect, employing a participatory and intersectional approach. Challenges identified over the past years include the use of multiple languages, resources, and materials to foster significant and meaningful participation of all involved parties, especially young children.

Methodologically, the project employs a participatory methodology, where children lead and make decisions, using post-qualitative strategies based on arts (ABER) to listen to various forms of communication and expression outside of the traditional oral and written languages.

Main results include the co-construction of a theoretical-practical model from a decolonized and non-adultocentric perspective, providing elements to rethink the participatory approach to children's rights. Additionally, significant pedagogical tools, resources, and guides for the promotion of rights, which have been rendered invisible or unrecognized, will be coproduced through the participation of children and various educational actors.

The nexus between the PhD symposium and the thesis is challenged by the idea to discuss the actual “needs” of children, considering the lenses through which these needs are comprehended and how they are addressed in both local and global scenarios. Moreover, one of the prominent dilemmas faced by contemporary societies characterized by fluidity pertains to the intricate nature of values, which deeply influence the methodologies adopted in research endeavours. Consequently, there also arises the challenge of reconsidering novel avenues of research that delve into the reflection if research based on a children’s rights approach is measuring what children hold dear or instead values what can be measured.

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