

## THE ACTIVE CHILD CITIZEN: LESSONS FROM CANADIAN POLICY AND THE CHILDREN'S MOVEMENT

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*"This is going to be the voice of children from now for a long time. You heard our voices now. Are you going to keep listening?"*

Laura Hannant, 16 years of age, delegate from Canada at  
the United Nations Special Session on Children, May 8, 2002.

*"Your presence here marks a new chapter in the history of the UN. So far, adults have called the shots, but now it's time to build the world with children. Your voices will be heard, I promise."*

Kofi Annan, Secretary General of the United Nations,  
addressing the UN Children's Forum, May 8, 2002.

On May 8, 2002, Gabriela Azurduy Arrieta, 13 years of age, from Bolivia, and Audrey Cheynut, 17 years of age, from Monaco, co-presented the official statement from the Children's Forum to the United Nations General Assembly. This occasion marked the first time that children had formally addressed the General Assembly. During the three-day session, the close to 400 children in attendance spoke with world leaders and (adult) child advocates about how war, hunger and disease had damaged their young lives. Their official statement to the Forum, 'A World Fit For Us' addressed the victimization of the world's children by war, HIV/AIDS, political, economic, cultural, religious and environmental discrimination, and the denial of decent education and health care. It envisaged an end to exploitation, abuse and violence against children through a variety of international and national strategies and policies. These included: provision of affordable and accessible health care and education; anti-poverty measures and debt cancellation; environmental protection; disarmament and elimination of the arms trade; and an end to the use of child soldiers. In addition, it implicitly invoked Article 12 of the 1989 United Nations Convention on the Rights of the Child on children's participation rights, by declaring 'every child's right to full and meaningful participation,' and the active involvement of children 'in decision-making at all levels and in planning, implementing, monitoring, and evaluating all matters affecting the rights of the child'. Rejecting the adult tendency to view children primarily in terms of their future potential in a way that belittles their present agency (Roche, 1999, p. 475), the Children's Forum Message concludes: 'You call us the future, but we are also the present.' Moreover, forum participants embraced the notion of global citizenship in self-identifying as 'not just young people [but as] people and citizens of the world' (UN Children's Forum, 2002).

The idea of children as citizens in their own right, and as independent bearers of rights, is a fairly recent one that received a boost from the United Nations Convention on the Rights of the Child, adopted in 1989. By the time of the UN Children's Forum, the idea was almost universally endorsed.<sup>1</sup> The Convention stands as 'an impressive manifesto on behalf of children' articulating worldwide moral standards for the treatment of children (Freeman, 1997, p. 68). As a 'soft law' that gains force as national governments bring the Convention's

principle into domestic law, it 'seeks to guide the practices not only of legislatures and courts, but also parents, police, social welfare agencies, health care professionals and others who work with and have responsibility for children' (Childhood, 1999, p.403). A major innovation of the Convention, in comparison to its predecessors, is that for the first time, it articulates the right of children to have a say in matters affecting them, and to have children's opinions taken into account (Veerman, 1992, p.184; Freeman, 1997, p.56). Indeed, some analysts have argued that Article 12, which spells out some of these participation or empowerment rights, is arguably the most significant and radical innovation of the Convention (Freeman, 1997, p.56; Lundy, 1997, p.42).<sup>2</sup> The importance of this article resides not only in the specific right to meaningful participation that it enunciates, but also in its departure from prevalent worldwide views of children and childhood. Rather than viewing children as 'pre-citizens', or as silent, invisible, passive objects of parental and/or state control and thus justifiably excluded from many civil and political citizenship rights, children are cast as full human beings, invested with agency, integrity, and decision-making capacities. In other words, the Convention not only constructs children as persons and as rights-bearing citizens with a range of social, political and civil rights, but also calls upon states to ensure that they are active, participating citizens, playing a role in governance 'according to their age and maturity', rather than simply being passively governed.

The constitution of the child as an active citizen is not without its contradictions and challenges. For instance, does active children's citizenship interpellate children to act as adults under terms currently defined? Are not some of the rights of children defined precisely by their difference from adults, and does children's citizenship then tend to devalue the right of children to remain children with all its implications - such as playfulness, lightness, and 'childishness'?<sup>3</sup> The recognition of children's agency, in law and through political technologies and practices, has been two-sided. On the one hand, it has been used to prosecute minors as adults, and to 'responsibilise' children, a common strategy within neo-liberalism. As examined in this paper in the case of refugee determination processes, the exercise of volition among persons under age 18 has been used by courts to deny children special rights to protection as children, as well as acceptance as *bona fide* refugees, thus barring them from access to civil, political and social citizenship rights. On the other hand, the expression of human agency in children's movements shows children actively contesting and making their own social and political spaces in order to further the protection and participation rights of the world's children.

In this article, I explore the extent to which policy and children's politics in Canada have advanced (and/or retarded) this imaginary of the child citizen as an active participant in governance. I first discuss the emergent model of the active child citizen in the United Nations Convention on the Rights of the Child (CRC) in the context of post-war internationalization of human rights and the ongoing debates about the character of contemporary childhood. It is significant that the near-universal endorsement of the rights of children is occurring in the context of globalization (in its various aspects) and the economic liberalization of the world economy. I then examine the progress made by the Canadian

government between 1989 and 2002 in drafting and amending legislation and meeting the stated goals and principles of the Convention, with a focus on the extent to which it has implemented policies that have enhanced the participation rights of children. As in several other countries that have endorsed the Convention, the Canada is raising the issue of children's rights, especially salient in its focus on 'child poverty', in a manner that is compatible with the state's larger neo-liberal and economic liberalization agenda. By narrowing the frame of poverty to child poverty, the Canadian state reduces its accountability overall in dealing with structural barriers to the eradication of poverty. But it also equates 'deservingness' with the image of the helpless, passive child victim, thus emptying (poor) children of agency.<sup>4</sup> Next, I analyse the manner in which quasi-judicial tribunals and the Canadian courts have invoked the Convention in their dealings with child asylum seekers. Here too, as in the Canadian government's child poverty agenda, it is notable that Canadian judicial and quasi-judicial proceedings associated with child refugee applications have had the effect of conceptualizing childhood as devoid of volition.

I conclude the article with a brief exploration of the children's movement in Canada to consider the alternative model of children's citizenship this movement reveals. I argue that there is substantial discrepancy between the model of the active child citizen invoked in recent international children's rights instruments, and the relative inaction of Canadian policy-makers insofar as enabling children to play a role in governance is concerned. The dim prospects for children's active citizenship in Canadian political institutions must be understood in the context of a more generalized decline in democratic opportunities in institutions of governance associated with corporate globalization and neo-liberalism. In contrast to the relative failure of adult decision-makers to implement the participation rights of children, the contemporary children's movement advances a view of children as empowered, knowledgeable, compassionate and global citizens, who are nonetheless, like other marginalized groups, in need of special, group-differentiated protections.

## **THE 'CHILDHOOD WARS', INTERNATIONAL RIGHTS, AND THE EMERGENCE OF THE EMPOWERED CHILD-CITIZEN**

The growing acceptance of the idea that children as a group are entitled to rights is in keeping with the global expansion of human rights discourse since the Second World War. The immediate post-war international human rights declarations articulated the idea that all humans possessed certain moral-political claims on their governments and societies, *irrespective* of their 'race, colour, sex, language, religion, national or other social origin' or other social distinctions.<sup>5</sup> A half century of international rights law, however, has established diverse forms of 'differentiated citizenship' for many groups, including women, indigenous peoples, and national minorities, who were recognized as groups or collectivities possessing features or histories that legitimized particular sorts of moral and legal-political claims, and necessitated particular types of rights and forms of recognition. As with the development of rights for these other groups, the acquisition of rights for children was dependent on a

particular conception of the group, its ontology, and conditions. The development of the child citizen, and indeed the global child citizen, has been dependent upon particular hegemonic images of children and childhood.

It is now widely recognized that the definitions of 'children' and 'childhood' are social constructs formed by a range of social, historical and cultural factors. Being a child is not a universal experience, but rather is differently constructed in divergent historical, regional, ethno-national, class and gender locations. The modern, western conception of children is regarded by some historians of family life and childhood to have had its beginnings in the sixteenth century, but to have flowered with the bourgeois world of modernity as it emerged in the nineteenth century. This conception of childhood stresses the innocence and frailty of children, thus discursively ejecting children from the worlds of work, politics and sexuality, and designating the worlds of school, family-household, and play as the major domains of children's lives (Aries, 1962; Calvert, 1992). This understanding of childhood has profoundly shaped and limited the recognition of children's citizenship rights, especially their right to be active and participating members of society. When children are considered to lack the requisite reason, wisdom, competence and autonomy to make decisions about their affairs, or when they are viewed merely as potential adults or incomplete persons, their status as autonomous citizens capable of exercising their political will and participating in political and social life, is severely undermined.

The investment of many adults in the modern notion of a protected and innocent childhood is apparent in the 'childhood wars', wherein the character and meaning of contemporary, and especially western, childhood has been hotly contested. Since the early 1980s, many social critics, child protection advocates, psychologists, and family values proponents have argued the case for the endangered status of childhood, as a developmental phase separated from the concerns, responsibilities, pleasures, and often hazardous behaviour of adults.<sup>8</sup>

Underlying virtually all analyses of lost or stolen childhood is a discourse on the 'innocence' and vulnerability of childhood with a complex and contradictory genealogy that layers amongst others: the romantic sentimental exaltation of children, Evangelical alarmism concerning the corrupt nature of children, and American Progressive Era celebration of childhood freedom and advocacy for adult supervision (Jenkins, 1998; Kincaid, 1962: 61-103). The political-economic context for the prolongation and new reverence accorded to childhood includes the redundancy of much child labour in advanced, increasingly urban capitalist societies, and the introduction of compulsory schooling. Several of the 'end of childhood' writers have targeted mass media – a toxic combination of television, films, video games, corporate advertising, and the internet, for adultifying children (Medved and Medved, 1988; Postman, 1982). Yet, the icon of the cute and innocent child was also cultivated in the boardrooms of Madison Avenue where the child became central target and 'salesperson for mass-marketed goods, with marketing researchers exploiting each new breakthrough in child psychology to reach this lucrative market more effectively' (Jenkins, 1998, P. 20; see also Kline, 1993; Kincaid, 1992, p. 672).

Cultural anthropologists, sociologists, and several historians have thrown cold water on the 'myth' of the 'golden age' of an innocent and protected childhood, taking critical notice of its Eurocentric, and class-bound nature. For instance, Boyden argues that ideals of children's sanctity and purity, of the 'safe, happy and protected child' are the product of Judaeo-Christian beliefs merged with demographic trends that accompanied the rise of capitalism, and are thus 'culturally and historically bound to the social preoccupations and priorities of the capitalist countries of Europe and the United States' (cited in Heinze, 1999, p. 14). Moreover, other writers such as Sharon Stephens have cast doubt on the contention that 'such a protected space of familial and community harmony and sexual innocence' ever existed even among more affluent populations in the societies of Europe and North America (1995, p. 9).

James Kincaid, and several theorists of cultural studies and child culture have also been at the forefront of an attack on the myth of childhood innocence (Kincaid, 1992, 1998; Jenkins, 1998; McDonnell, 2001). While Kincaid's thesis primarily focuses on the projections of adult desire writ onto the discourse of sexualized innocence (and the 'invention' of the pedophile to shield the adult world from its 'natural' sexual attraction to children),<sup>7</sup> his discussion of the implications of the trope of the innocent child is also relevant to a consideration of children's relationship to political citizenship. Examining the deployment of the discourse of innocent childhood by social purity spokespersons during the nineteenth century United States, Kincaid argues that the child's innocence was portrayed as a vulnerability that required protective custody, punitive strategies that may have served the political ends of adults in the purity movement, yet were detrimental to children. More generally, Kincaid argues that the fetishization of the innocence of the child occurs at the cost of denying the child 'a whole host of capacities, an emptying out' (1992, p.73). Innocence takes on a negative valence, defined as the absence of qualities such as strength, knowledge and agency (p.77). The innocent child is the vacuous child, with the vacuity of the child making him or her 'available for centerings [adults] do not want to announce openly' (p.79).

Although contested, the prevalence of the discourse of children as not fully human (formed, rational, etc.) 'constructs children out of society; mutes their voices, denies their personhood, limits their potential' (Ennew, 1994, p. 125; emphasis in original). As one child rights advocate states, children 'have not been accorded either dignity or respect. They have been reified, treated as objects of intervention rather than as legal subjects, labeled as a "problem population"..., reduced to being seen as property' (Freeman, 1992, p. 54). A pre-eminent political scientist has noted the tendency to construct children 'with few exceptions, [as] both silent and invisible - relegated to a conceptual space (which is presumed to reflect social reality) that has been declared apolitical' (Elshtain, 1982: 289).

There is very little acknowledgement or literature about the active social and political roles children have taken - e.g. to further their own self-defined interests or in empathy for the injustices experienced by others.<sup>8</sup> The overwhelming imagery surrounding children and young people focuses on their endangered or endangering status (Roche, 1999: 477; Haid, Marques, and Brown, 1999:i).<sup>9</sup> As Roche suggests, 'Often this is out of a concern to protect -

a commitment to the welfare of children in a world that is perceived as being increasingly hostile and dangerous' (Roche, 1999: 477). Similarly, Kathleen Marshall states, 'Most adults have an instinctive desire to protect children from situations and information which might cause them distress' (1997: 2). Indeed, the adult impulse to protect children is often portrayed as 'natural', despite the countervailing evidence of the high rates of exploitation, abuse and abandonment of children around the world. Moreover, the question of 'protection' raises the question of 'protection by what or whom' and 'in the name of what objective'? One controversial issue that arose in the drafting of the CRC was its possible effects in devaluing or usurping the role of parents in raising their children. Far from seeing 'protection' as solely the prerogative of the state, the Convention (e.g. in Article 5 and elsewhere) recognizes the primary role of parents and 'members of the extended family or community' in providing direction and guidance in the exercise by the child of her/his rights.

A prevalent and seemingly valid basis for prioritizing the protection needs and rights of children are the incontrovertible cognitive and developmental differences between adults and children, and the fairly long duration of (physical, intellectual, reproductive, psycho-sexual, etc.) maturation required for human beings, in comparison with other species. Thus, however we may define them discursively, children possess and acquire different capacities and dispositions than adults, which render them more vulnerable than adults to a variety of harms, and dependent upon adult protection for their well-being and often for their very survival. The physical and emotional dependence of children is especially evident among very young children. Thus, the preamble of the CRC reiterates 1959 Declaration of the Rights of the Child in stating that 'the child, by reason of his (*sic*) physical and mental immaturity, needs special safeguards and care, including appropriate legal protection, before as well as after birth'.<sup>10</sup> Given the absence of a marked physical difference between children and adults (as there is between the caterpillar and butterfly), however, and thus no definite point of transition between childhood and adulthood (Lundy, 1997, p.19), the categories and meanings of 'child', 'adult', 'young person', 'youth', etc. are inevitably contested social constructs that exist in relation to each other. The arrival of 'maturity' in stages is not only evident in individual states' laws which permit persons to drive cars, drink, vote, have consensual sex, etc. at different ages, but also within the Convention's references to the 'evolving capacities of the child' (Article 5). Moreover, even granting the wide recognition of the need to protect children stemming from their greater vulnerability than adults to a variety of harms, one might ask if such protection needs are incommensurate with recognition of children's rights to participation, with due recognition being given to their age and maturity?

Kathleen Marshall contends that many adults have viewed children's right to protection and their right to participation as mutually incompatible (1997, p. 2). The argument that children are dependent on adults and lack 'competence' has been offered both as an explanation for why children lack formal recognition as a group of citizens (Canadian Council on Children and Youth, p. 153), and also why they should be excluded from citizenship rights (O'Neill, 1992). Martha Minow, in a germinal article on children's rights, has pointed out the confusion stemming from the appropriation of the notion of 'children's

rights' by advocates of separate, protective treatment, and by 'child liberationists who advocate the treatment of children as autonomous from and equivalent to adults' (1986, p. 14). As elaborated below, when children exercise agency, they are liable to be constructed as non-children and thus denied the rights of protection as child citizens as specified by the CRC. As I will discuss later in this article, there is no necessary contradiction between furthering children's rights to protection and provision of their needs, and their rights to participation. A framework of rights that implies that only fully autonomous people may enjoy participation rights normalizes individual independence and fictionalizes the actual grant of rights to various categories of adults (e.g. the elderly, those with disabilities) who may be vulnerable and dependent in many ways (Franklin, 1995, p.12; Minow, 1986, p.5). It also neglects to consider the symbiotic nature of children's protection and empowerment rights. As Freeman (1997: 53) asserts:

*Children who are not protected, whose welfare is not advanced, will not be able to exercise self determination: on the other hand, a failure to recognize the personality of children is likely to result in an undermining of their protection with children reduced to objects of intervention.*

Indeed, the mutual reinforcement of protection and participation rights is integral to the model of children's citizenship advanced in the children's movement, wherein children's voices actively call upon a range of societal and state institutions to implement policies and practices that will end the exploitation and abuse by adults of children stemming from their particular vulnerability to economic, military and environmental policies. Similarly, the most recent international children's rights convention reflects an attempt to balance the child's right to participate more broadly in governance with her/his right to be protected.

Over the 65-year period in which international children's rights documents have been drafted, 1924-1989, one can see the birth of children's 'person status' and the notion of the active child citizen (Saidla in Saunders and Goddard, 2001, p.456). In 1924, child advocates such as the Englishwoman, Eglantyne Jebb, who founded Save the Children International Union, had persuaded the League of Nations (the precursor to the United Nations), to adopt the *Declaration of the Rights of the Child* (heretofore the 'Geneva Declaration'). The Geneva Declaration was a terse statement about the duties of 'men and women of all nations' to provide for and protect the child, regardless of race, nationality and creed. The five principles of the Declaration address the duty of all 'mankind', and not just parents or families, to provide children with: the means for normal development; protection against hunger, sickness, truancy, homelessness, and distress; protection against exploitation; and support to earn a livelihood. Oblique reference to the future citizenship duties of children occurs in the last article where it states that 'The child must be brought up in the consciousness that its best qualities are to be used in the service of its fellow men.'<sup>11</sup> As children were referred to throughout this document by the pronoun 'it', this first convention also objectifies and dehumanizes children, denying them, for example, a gender, a significant aspect of individuals' identities and form of recognition (Saunders and Goddard, 2001, p. 448).

It took until 1959 for the United Nations to bring international recognition to children's rights. When the UN General Assembly adopted the Universal Declaration of Human Rights in 1948, it was understood that children's rights were to be covered by the Declaration's provisions and fear prevailed that an independent children's declaration might undermine the authority of the 1948 Declaration (Lundy, 1997, p.22). In addition, adult policy-makers the world over shared the belief articulated in 1959 by the French delegate to the Commission on Human Rights that '...the child was not in a position to exercise his own rights. Adults exercised them for the child... A child had special legal status resulting from his inability to exercise his rights' (quoted in Freeman, 1997, p.49). According to historian Dominique Marshall, the 1959 United Nations Declaration of the Rights of the Child came about to break the deadlock and resultant inaction in the human rights field of the UN's Human Rights Commission between the two sides of the Cold War. Children's rights represented an issue for which governments from the East and the West could muster support in their respective nations (Marshall, 1998).

The 1959 Declaration enunciates ten principles that overlap with those of the 1924 Geneva Declaration, but goes beyond them to provide fuller access to a greater range of protections, necessitated by 'the child's need for special safeguards and care ... by reason of his physical and mental immaturity'.<sup>12</sup> Departing from the Declaration, the 1959 document, typically rendered in the male-dominated language of the era, establishes a child's right to a separate identity and nationality, entitling him (sic) 'from his (sic) birth to a name and a nationality' (Principle 3). However, the emphasis of the 1959 Declaration is still firmly on protection and welfare: '[t]here is no recognition of a child's autonomy, of the importance of a child's views, nor any appreciation of the concept of empowerment' (Freeman, 1997, p.50).

In the 1989 UN Convention on the Rights of the Child (hereinafter CRC), a child is defined as 'every human being below the age of 18 years, unless under the law applicable to the child, majority is attained earlier' (Article 1). The Convention promotes the important but ambiguous principle of 'the best interests of the child' as a 'primary consideration in all actions concerning children' retains the emphasis on protection of the earlier declarations, and also accords rights and duties to parents and other adults responsible for the welfare of children.<sup>13</sup> But in stark contrast to the earlier documents, the Convention provides children, defined as 'every human being below the age of 18 years,' with the right to express views in all matters affecting their lives, and the right to have those views heard (or given 'due weight') 'in accordance with the age and maturity of the child' (Article 12 (1), UNCRC).<sup>14</sup> Article 12(2) of the CRC clarifies that children are in particular to have a voice 'in any judicial and administrative proceedings affecting the child'.<sup>15</sup> The term 'administrative proceedings' in article 12(2) includes divorce, custody, care and adoption proceedings, i.e. matters of family law, but also disciplinary proceedings, and quasi-judicial proceedings involving child asylum seekers and deportation proceedings against immigrant parents. However, as Lundy (1997:43) points out, the Convention has taken the right of children to participate in the child welfare field 'and applied it as a fundamental right to all matters affecting the child' (emphasis in the original). Interpreted broadly, Article 12(1) assigns a



duty for states to assure that children are consulted and to have their opinions taken into account in any and all policy matters that will affect the well being of children. It is difficult to envisage a major policy area that might not directly or indirectly 'affect the child'. When one considers the devastating consequences of neo-liberal governance that has resulted in the erosion of funding in areas such as health, education and social assistance, or that has resulted in inaction in stemming environmental degradation, public policies now appear to affect children in a particularly harsh manner.

The civil and political rights of children in the Convention also include the right to freedom of expression (Article 13); the right to freedom of thought, conscience and religion (Article 14); and the rights to freedom of association and peaceful assembly (Article 15). As unprecedented as the international recognition of these political and civil rights for children is, it is important not to exaggerate their empowering effects. First, there are legitimate limits to the children's rights to participation spelled out in the Convention, such as restrictions deemed necessary by states for the interests of national security, public order, protection of public health or morals, or protection of the rights and freedom of others (Covell and Howe, 2001, p. 102). Second, while Articles 12 to 15 provide a model of children's participation independent of their positioning within a family, the Convention also accords rights to parents and other adults over children and seeks to strengthen the authority and obligations of parents and families. Moreover, concepts such as 'capability of the child' and 'maturity' are always subject to adult interpretation. The participation of children will always occur in dialogue that is fundamentally *asymmetrical* given the dependency of children, the duties and responsibilities of adults, etc.

Third, while many non-governmental organizations committed to children's interests were active participants in the drafting of the Convention, it is emblematic of the reality of children's non-participation in public affairs that children or children's groups did not take part in the drafting process nor exercise any influence in the preliminary discussions (Cohen, 1990; Freeman, 1997, pp. 8, 64). This is a prime illustration of how an entire discursive field, in which various truths are produced about children, has been authored by adults. Fourth, as with any international convention, the efficacy of the CRC is entirely dependent on states being proactive in implementing the Convention's principles in domestic legislation.<sup>16</sup> As far as children's participatory rights are concerned, children's rights advocates note that, 'In few countries do children, despite Article 12 of the U.N. Convention, have genuine participatory rights' (Freeman, 1997:4).

Finally, and perhaps most challenging to the meaningful realization and efficacy of children's participation rights is the articulation between children's participation in democratic dialogue (inevitably asymmetrical between children and adults) and action and outcomes that actually further the betterment of the real conditions of children. The forms of public conversation associated with the deepening of corporate globalization and neo-liberal governance, insofar as they adopt a model of market rule and individual responsibility, have made it more difficult to arrive at outcomes that effectively challenge structural barriers to the

amelioration of children's conditions. As examined below, this limitation is particularly salient in the Canadian government's focus on 'child poverty'.

## **CANADA'S RECORD IN IMPLEMENTING CHILDREN'S PARTICIPATION RIGHTS**

A telling indicator of whether governments in affluent societies have made a serious commitment to recognize the 'best interests of the child' as elaborated in the Convention on the Rights of the Children is the change in the economic well-being of children over the dozen years since its implementation. Indeed, in a poll of young people released by Save the Children Canada in August 2001, when asked the one thing they wanted to change in Canada that affects the lives of young people, the most frequent answer (by 18.5% of respondents) was ending poverty (Leblanc, 2001, p.A5).

In 1989, the year the Convention on the Rights of the Child was signed by the United Nations General Assembly, the Canadian House of Commons adopted an all-party resolution to seek to eliminate child poverty in Canada by the year 2000. That this occurred under the Conservative administration of Brian Mulroney, which was ideologically committed to implementing many of the principles of neo-liberal governance, is interesting. Dominique Marshall has commented on how federal and provincial governments in Canada had earlier, in the 1940s, used the promotion of children's rights to 'provide an ideological detour around the harsh debates about the welfare of adults' (1996, p.266). In the late 1980s to the present, the focus on eliminating child poverty, rather than poverty per se, has lent support to a New Right dichotomy between deserving victims, such as children, and undeserving villains, such as negligent and lazy parents (Wiegiers, 2002; Chen, forthcoming). The narrower child-centred focus on poverty is consistent with reduced expectations on the state, more targeted benefits, and a diminished conception of social citizenship. Yet by assuming individuated children unconnected to adults who experience poverty, the neo-liberal state has served to mask the inequities experienced by groups historically deemed in need (Aboriginal people, single mothers, etc.). It has also 'disconnected poverty from the more systemic factors that determine both its overall magnitude and its distribution among social groups rather than individuals and families' (Wiegiers, 2002, p. 49).

In line with the commitment to eliminate child poverty, a number of federal initiatives such as the New Child Benefit, introduced in 1993, and the 1997/98 Child Benefit System were aimed at preventing and reducing child poverty. In spite of, and indeed as Wiegiers (2002) has persuasively argued, largely because of these policy initiatives, there is a significant deficit in Canada's record of assuring children's rights to basic economic well-being and security, as explicitly directed in the UN Convention.<sup>17</sup> Indeed, far from having been eliminated, child poverty rates have escalated. Thus, using Statistics Canada's low-income cut-off definition of poverty (LICO), by 1999, the rate of child poverty had increased by a whopping 43% since 1989, with almost 1.5 million, or nearly one in five, Canadian children living in poverty (Covell and Howe, 2001, p.41). Moreover, the depth of poverty

also increased for poor children over the decade (Canadian Council on Social Development, 1999, 18). Poor children were particularly prevalent among single-mother-headed families, families with poorly educated parents, ' and Aboriginal communities. The fact that child poverty has translated into child hunger and malnourishment is evident in that while children make up only one-quarter of Canada's population, they represent 42 percent of those dependent on food banks in a context where food bank use has risen by more than 90% since 1989 (Covell and Howe, 2001, p.41). Poverty has a severe negative impact on children's health, cognitive development, academic achievement, emotional development, self-esteem, and behaviour (Covell and Howe, 2001, pp.43-67). There is thus a clear link between being raised in poverty and children's capacity to participate in the decision-making of institutions.

In 1995, the UN Committee on the Rights of the Child chastised Canada for allowing such an appalling rate of child poverty to prevail (UN Committee on the Rights of the Child, 1995, pp. 3-4). As a recent (2001) UNICEF report on child poverty in rich nations indicates, Canada is not alone among affluent nations in tolerating high rates of child poverty in the midst of the recent economic boom. As many political economists have shown, the type of economic growth that has occurred since the 1980s involves 'jobless growth', corporate downsizing and an increasingly precarious labour market, involving the growth of casual, part-time and contract, rather than stable employment. The connections among child poverty and the erosion of social welfare benefits stemming from neo-liberal governance are also especially evident in Canada insofar as Canada ranks near the bottom among developed nations in the percentage of public dollars spent on social programs (UNICEF, 2000). Indeed, the 2001 NGO report on Canada's progress in implementing the CRC acknowledged the detrimental effects on children's status of Canadian and provincial government priorities with deficit reduction, tax cuts, and reduced social spending (Canadian Coalition for the Rights of Children, 2001).

In addition to its adverse material impact on well-being of a large segment of the child population, the Canadian government's focus on child poverty has also conveyed certain discourses about children and the poor, appealing to a charitable impulse through depictions of the helpless, passive victim. While adults and children who live in poverty are generally people who actively negotiate and adopt strategies to cope with their structural constraints, the use of child/adult as the central dividing practice to organize the state's response to poverty reinforces the view of 'deserving' children (and adults on assistance) as helpless, vulnerable and inarticulate (Wieggers, 2002, p.48).

As far as more direct implementation of participation rights of children is concerned, Canadian government and other institutions have also fallen short. Preceding the UN Convention, the Canadian Government had indicated that its priority for implementation of Article 12 was family law, with implementation in other areas of law expected to be gradual. However, concern was expressed with the application of article 12 even within family law, such as the 'possible damaging effect of asking a child to choose between parents' (quoted in Marshall, 1997, P. 17). In fact, the one area of law where Canada has provided for children's participation in the area of juvenile justice, where Covell and Howe (2001, p. 118) note,

‘young persons automatically have legal participation rights, including the right to be a party to the proceedings, the right to heard, and the right to be represented by legal counsel’.

The 2001 Canadian NGO report to the UN monitoring committee also comments that, ‘It is noteworthy that in most jurisdictions child protection legislation does not require the wishes of the child be part of the determination of the child’s best interest’ (Canadian Coalition for the Rights of Children, 2001: 18). Unlike countries such as Norway, Sweden, Germany, and Finland, Canada lacks legislation that places a legal obligation on parents to consult their children on matters that affect them in line with their age and development (Covell and Howe, 2001, p. 103).

Children’s participation – either in a consultative or decision-making capacity, in public institutions is negligible. Indeed, Canada’s lack of progress in furthering respect for the views of the child and in providing for the child’s participation rights was one of the UN monitoring committee’s chief concerns in its 1995 review of Canada’s record (Covell and Howe, 2001, p. 102). Thus, within schools where children spend a substantial portion of their childhood, Covell and Howe found that age-appropriate school councils were instituted to varying degrees across the country, but that where existed, students were ‘rarely allowed to make substantive decisions about school functioning’ (2001, p. 109). The authors recommend that Canadian school jurisdictions adopt a model similar to that legislated in Austria defining the nature of children’s school participation (2001, p. 153). In Ontario, where provision exists for student trustees to sit on school boards, Haid and al. observed student trustees were restricted by the Education Quality Improvement Act, 1997, from holding voting rights. The authors argue that the withholding of the vote from student trustees, ‘reflects a lack of faith in students to exercise decision-making power responsibly. Without a vote, those who are most affected by decisions of any school board, the students, lost the opportunity to have a direct impact’ (Haid et al., 1999, p.12).

In most provinces, broad discretionary power is given to school principals and school boards to restrict the freedom of students to assemble and associate with others, in direct contravention of Articles 13 to 15 of the CRC. ‘In Ontario, for example, a regulation bans any advertisements or announcements from being placed on school property or distributed or announced without the permission of the school board, except announcements of school activities’ (Covell and Howe, 2001, p.112). In spite of her dazzling record of achievements since age 10 as an activist on behalf of exploited children in the South, Ottawa-based Laura Hannant encountered resistance from her high school principal for her activism.<sup>18</sup> Far from encouraging the participation of children and youth in matters affecting their welfare or the justice concerns of others, schooling at the elementary and secondary levels in Canada tends to be a de-politicizing and disempowering experience for children and youth (Wotherspoon, 1998, pp. 79-103).

Similarly, few opportunities exist in most jurisdictions for meaningful participation of children in their neighbourhoods and communities, through neighbourhood associations, municipal councils or community organizations. Covell and Howe comment on the constant

denial of children's meaningful participation in planning or managing their living environments:

*In the typical Canadian community, policies regarding provisions and facilities for children tend to be designed in the absence of input from the children for whom they are designed. Schools are built for children. Playgrounds and play structures are designed for children. Safety programs are developed for children. Environmental clean-up programs are undertaken for the protection of children. Youth clubs are opened for children. But where are the children? What community policies are developed with children? (2001, p.153).*

Before I offer a tentative explanation for Canada's apparent disregard of its obligations to implement the UN Convention's children's participatory rights, one area of Canadian law - that pertaining to refugee determination - will be examined for its insights into Canadian approaches to children's citizenship. As child asylum cases involve applications to formal, legal-judicial citizenship, they offer an important prism through which to explore the dynamics among the children's emergent international rights, state sovereignty, and children's citizenship. Canadian immigration and refugee law is one area of law that has engaged extensively with the 1989 Convention on the Rights of the Child. But in addition, recent treatment by the Canadian and provincial governments of child refugee applicants also reveals some of the most flagrant violations of the international rights of the child.

### **‘BEST INTERESTS OF THE CHILD’ IN CHILD REFUGEE CASES**

In June 2001, Bill C-11, Canada's new *Immigration and Refugee Protection Act* came into effect. One of the federal government's stated objectives of the bill is to actualize its commitment to human rights, including a provision that the Act be construed and applied in a manner that complies with international human rights instruments to which Canada is signatory. One of these international treaties is the UN Convention on the Rights of the Child (CRC). The Bill specifies that in decisions by the Immigration Minister and the Immigration Appeal Division over the granting of permanent resident status on humanitarian and compassionate (H & C) grounds, the best interests of a child directly affected by the decision must be taken into account (Citizenship and Immigration, 2001). The Act also ‘affirms the principle that a minor child shall be detained only as a measure of last resort and that the principle of the best interest of the child will be taken into account in all detention decisions involving minors’ (Citizenship and Immigration, 2001).<sup>19</sup>

Reference to the ‘best interests of the child’ in the new Immigration Act came about to ensure the Act's compliance with the 1999 Supreme Court of Canada decision on *Baher v. Minister of Citizenship and Immigration*. This case involved a Jamaican woman, Mavis Baker, who came to Canada as a visitor in 1981, gave birth to four children, and applied to remain in Canada on humanitarian and compassionate grounds in 1993. The main issue that arose in the courts was the relevance of the international children's rights law in the application of Canadian immigration law, specifically whether the potential harm done to the

Canadian-born, and thus citizen-children by the deportation of their parent should be a primary consideration in H & C decisions. The Supreme Court unequivocally said in *Baker* that when a person subject to deportation proceedings has Canadian children, the interests of those children must be taken into account. That the Supreme Court decided that the 'best interests of the child' should be a primary consideration in immigration proceedings prior to the Convention on the Rights of the Child having become part of national immigration law is significant,<sup>20</sup> and undoubtedly pressed the Canadian government into giving tangible expression to Canada's commitment to the CRC in its new immigration law.<sup>21</sup>

The years 1999 and 2000 saw a spate of unusual refugee status applications in Canada insofar as they were applications from unaccompanied minors or 'separated children', primarily from China.<sup>22</sup> In the summer of 1999, 134 separated Chinese children, aged 11 to 17, arrived at the B.C. coast in un-seaworthy boats, along with 465 adults. Later in 1999 and 2000, smaller groups of children were apprehended while being transported from Ontario and Quebec to the United States. Virtually all of these children applied for refugee status; yet very few have been recognized as Convention refugees (UNHRC, 2001, pp. 5, 22). The detention of these children for extraordinarily long periods, the punitive and neglectful conditions of their detention, and other aspects of their treatment sparked controversy and policy debate about the issue of separated asylum-seeking children.<sup>23</sup> Citizenship and Immigration officials justified the detention of these minors on the grounds that detention was necessary to prevent flight. In addition, the Chinese boys detained in BC youth detention for seven months were suspected by immigration officials as having been involved with organizers of the smuggling operation (UNHCR, 2001, p.22).<sup>24</sup>

Despite significant policy elaboration of children's rights in the area of refugee law,<sup>25</sup> recent quasi-judicial and judicial proceedings involving child refugee applicants from China have produced confused and troublesome renderings of both the rights of children and the conceptualizations of children and childhood. I will here examine a few decisions by the Immigration and Refugee Board and the Federal Court for the purpose of illustrating how refugee adjudicators and some courts have established ethical and legal boundaries in the treatment of child refugees.<sup>26</sup> Members of the Immigration and Refugee Board have utilized the construction of childhood and attendant rights of the child in the UN Convention on the Rights of the Child to relativize children's rights. Refugee adjudicators have tended to use simplistic, liberal notions of volition and choice to define persons under the age of 18 yet in their teens as non-children, or as 'elder minors' sufficiently removed from a 'tender age' so as not to require or benefit from the international protections that are now available to children.

Several of the applications for refugee status, and for judicial review of negative decisions by the Immigration and Review Board, were made jointly by groups of young persons from China. The case of *Li v. Canada (Minister of Citizenship and Immigration)* [2000] concerned eight male youths from the economically depressed Fujian Province in China who had been dumped off the shore of the British Columbia coast in August 1999, having been smuggled in by 'snakeheads' (i.e. traffickers). All of these young claimants, 15 to 18 years of age when they left China, were unaccompanied by adult family members or

other legal guardians. In order for a person to claim refugee status, she or he must prove that s/he is a refugee because of a 'well-founded fear of being persecuted for reasons of race, religion, nationality, membership of a particular social group or political opinion...[and]...owing to such fear, is unwilling to avail himself [sic] of the protection of that country'.<sup>27</sup> Counsel for the children argued that their fear of persecution was based on their membership of a particular social group, that group being 'children from Fujian province'. They based their asylum application on the fear of persecution, arguing that if they were returned to China, they would risk being trafficked again by the traffickers who would seek to recoup the debts owing from the children's families. According to their counsel, claimants could not have given meaningful consent to leaving China in the manner they did due to their age and due to 'filial piety,' which meant that they had been compelled to follow their parents' wishes to be illegally transported to North America. The counsel for the applicants also argued that since the children were trafficked, in accordance with several international human rights instruments relating to children and the suppression of the traffic in persons, 'children cannot consent to being trafficked'.

In the decision to deny refugee status to the eight applicants, the adjudicating member of the Immigration and Refugee Board reflected briefly on the United Nations Convention on the Rights of the Child. But the adjudicator who argued that none of the children were of 'tender years' dismissed the definition of the child as a person under the age of 18, upon which the rights to protection in the Convention are based. The 'filial piety' argument was also repudiated on the grounds that it was not 'age dependent but rather dependant on the relative position of an individual within a family'. The IRB adjudicator also asserted that trafficking in human beings was not 'persecution' in the sense of the word used in the UN Convention on refugees, or the Canadian Immigration Act. Rather than fitting the designation of Convention Refugees, the adjudicator constructed the Chinese youth as 'economic migrants' who voluntarily left China to gain entry into North America by illegal means.

The Federal Court of Canada, Trial Division, disagreed with the IRB's dismissal of the applicant's claim to be considered Convention refugees, arguing that they were indeed 'children' within the meaning of the Convention on the Rights of the Child, and as such, are properly considered to be members of 'social group' under the definition of the UN Convention and the Canadian Immigration Act. Justice Gibson also found the IRB's decision unsupportable in that it ignored the principal basis of the applicants' claim - i.e. that as children of heavily indebted families, they feared persecution and the strong possibility of being trafficked again if they were forcibly returned to Fujian province.

In three other child asylum cases involving young Chinese applicants heard before the Federal Court, the reasoning of the courts, as well as refugee adjudicators, weakens or negates the protection rights stemming from the child rights and refugee conventions by replicating a notion of childhood that treats as antinomies 'protection' and 'volition'. From the vantage-point of these decision-makers, children need custody and care only when they are incompetent (Minow, 1986, p.4). If they are competent, they are automatically assumed capable of negotiating their way through a liberal universe of choices - about employment,

migration, and so on. *Zhu v. Canada (Minister of Citizenship and Immigration)* (2001) concerned 16 applicants from Fujian Province, also dumped off the British Columbian coast in August 1999. While seven of the applicants were aged 16 or under, six were 17 years of age, two were 18, and one was 20 or older. As in *Li*, the applicants claimed refugee status based on their membership in a particular social group, to wit, children, and argued that they faced persecution in the form of trafficking of minors.<sup>28</sup> Their definition of a child as a person under the age of 18 was based both on the CRC and on the Refugee Division's Guidelines regarding Children Refugee Claimants. The question of the qualified nature of 'consent' of a minor was also part of the claimants' arguments. Citing the CRC, the claimants held that the recognition that 'childhood is entitled to special care and assistance' and the considerable value placed by the Convention on the 'protection of children and their needs and interests', it 'would be contradictory to suggest that children could forego all such special protections and care if they were perceived to have consented to such exploitation' (Zhu, 2001, para. 16).

Even though the Court apparently agreed with many of the applicant's arguments, for reasons that are for the most part unspecified,<sup>29</sup> it supported the tribunal's decision to deny the applicants' judicial review of the decision to deny them refugee status. The tribunal had dismissed the applicants' argument that as victims of trafficking and as minors, they were particularly vulnerable to persecution, defining them as in the earlier Federal Court decision in *Li* as economic migrants whose 'illegal departure was... driven primarily by the economic considerations of themselves and their families' (para. 33). Moreover, their claim to special protections based on their status as children was undermined by two related arguments - first, that they are older children - 'at least 16 years of age, except four, who are 15 years of age'. Second, '[m]any of them had already entered the workforce, sometimes going out of province, [and] [c]learly, they are already at an age of responsibility and do not lack the willpower to fashion their own future' (para. 34).

The argument that persons under the age of 18 cannot lay claim to the protection rights of children if they are in the workforce essentializes childhood as an experience separated from work, economic necessity and family survival. By this Northern and class-bound definition, the approximately 120 million working children between the ages of 5 and 14 the world over, many of whom are sold into bondage to pay off loans taken out by poor families, and work in dangerous and hazardous occupations and industries, are not in fact children and are therefore not owed international protections as children (International Labour Office, 1998, pp. 3-22). Moreover, it is doubtful that in implicitly suggesting that 'real' children do not work, the court had in mind the millions of North American kids employed by McDonald's, or who do paper rounds, work in family businesses, or care for younger children.

The tribunal (and implicitly, the Federal Court) also employed cultural relativist arguments to dismiss the applicants' argument about the relevance of the young Chinese applicants' inability to 'consent' to trafficking given their observance of 'filial piety.' The IRB tribunal stated:



*...I am concerned that claimants' counsel unwittingly incorporate the western value of individual volition as a yardstick to, in turn, pronounce apparent requirements of filial piety to be persecutory, if it has meant that each minor claimant has (unwillingly, though blindly) Left China and now risks legal sanctions for his illegal exit....Ironically, though this is undoubtedly unintentional, it tends to debase Chinese cultural concepts (para. 34).*

As Jacqueline Bhabha (1996) has elegantly argued in her examination of the treatment of 'gender persecution' refugee claims, protection of asylum seekers' rights is often best served by articulating universal rather than relativist notions of human rights. Her disagreement with relativist conceptions of human rights is apposite here insofar as while they may be anti-racist in rhetoric and 'sensitive to the need to contextualize social and cultural norms, [they] can in the context of asylum easily become vehicles for discriminatory hierarchization of human rights protection and an uncritical reinforcement of exclusionary state practices' (1996, p.31). In the decisions regarding child asylum-seekers, adjudicators are creating an age hierarchy among persons aged 18 or under, with those in the upper age ranges being owed less protection from trafficking and exploitation than younger children.

The age-differentiation argument is reproduced in *Xiao v. Canada* (Minister of Citizenship and Immigration [2001]), that concerns Mei Feng Xiao, a 17-year old girl when she left China. Unlike several other child asylum cases, Mei Feng Xiao's case was heard separately because she raised additional issues of religious persecution and gender-based arguments regarding risks faced by female detainees in China. The IRB tribunal that denied Ms. Xiao refugee status rejected the link made by the applicant between her status as a child, as defined by the CRC, and the risk of trafficking and hence persecution. With respect to Ms. Xiao's age, the tribunal argued that as a seventeen-year-old, she is 'an "elderly" minor'. The tribunal notably cites various passages of the Convention (Articles 1, 5, 11, 12, 13) to reinforce the notion of a 'child's evolving capacities'. By reasoning the need to take a flexible approach to the definition of the child, the Court negates Ms. Xiao's claim for protection as a child, and ridicules her counsel's arguments by suggesting that they are 'efforts to make her seem to be a helpless infant' (para. 18).

The reasoning of Justice Muldoon in the Xiao case that minors 'have varying degrees of capacity to consent that increases with maturity' is quoted approvingly in another case of a child from Fujian province seeking asylum. The applicant in *Zheng v. Canada* (Minister of Citizenship and Immigration) was only 14 years old when she was apprehended by immigration officials in Windsor, Ontario after having been smuggled into Canada from China in 1999. Once again, the Court rejects the claimant's argument that 'the act of being trafficked as a minor is itself persecution sufficient to meet the definition of Convention refugee' and without elaborating its reasons, finds 'no violation of the rules of fairness' (para 26).

It is telling that the 'stages of maturity' argument that was deployed by courts to deny child asylum seekers protection rights through the refugee determination system on the grounds that older children's competence makes them less deserving of protection, is, in

another context, turned on its head by courts to deny children of the same age access to provision rights. Mohamed u. Metropolitan Toronto (Department of Social Services General Manager [1996], heard by the Ontario Court of Justice, concerns the case of a girl who was a separated refugee child in Canada without relatives. Sophia Mohamed had received welfare payments, beginning when she was 15 years old, which were subsequently terminated on the ground that she was under sixteen years of age and therefore ineligible for welfare assistance. While an appeal to the Ontario Social Assistance Review Board concluded that the age-based prohibition was discriminatory within the section 15(1), the equality clause, of the Canadian Charter of Rights and Freedoms, the Board ruled that it was justifiable under section 1 (the 'reasonable limits' clause) of the Charter.

The Court in Mohamed agreed with the ruling of the Social Assistance Review Board and denied Ms. Mohamed social welfare benefits. It pointed out the demarcation between childhood and adulthood, but nevertheless argued:

*In my view, the evidence indicates that children under the age of sixteen generally require more than a cheque to survive. They need the support, guidance and care of an adult. It would be contrary to the best interests of children if general assistance were paid directly to them, as it would be an incentive to remove themselves from the care of the family unit or other responsible adults, even where appropriate, because of ideas of what it is like to like 'on your own' (para. 60).*

The Court reached this decision about Sophie Mohamed's need for the custody of adults even though the evidence before the court demonstrated that Sophie had been attending high school, was adequately fed and clothed, and was not considered to have any 'protection concerns' by the Children's Aid Society (para 6). The diametrically opposed conclusions reached by the refugee-determination courts (i.e., older children require no special protection) and the social assistance-allocating court (i.e. older children are still children requiring special protection) suggests the flexibility with which courts harness age-based determinations for children to suit broader, political objectives. In child asylum cases, the courts' major political interest in defining persons aged 14 to 17 as non-children who should be returned to their country of origin appears to be the perceived need to 'defend Canada's borders' by discouraging the trafficking of people from depressed regions of the world to Canada. In denying teens under age 16 from directly receiving welfare payments, one can conjecture that in this cost-cutting era, the court is particularly keen to discourage children from living autonomously from parents and adult authorities by becoming financially dependant upon the state.

Whereas the U N Convention of the Rights of the Child serves to reinforce the adult/child distinction - defining children as vulnerable, but also as deserving of specific rights to protection, many of the judicial and quasi-judicial decisions on child asylum seekers undermine the Convention's intentions to allocate preferential forms of protection rights to children. For example, Principle 9 of the Convention speaks of the need to protect the child against all forms of neglect, cruelty, exploitation, and trafficking in any form. Canadian

refugee tribunals and courts have repeatedly rejected the argument that trafficking of children constitutes persecution of the child as understood in the U N Convention on refugees and the Canadian Immigration Act. Feminist legal scholars have critiqued the definitional deficiencies of the Refugee Convention definitions of 'persecution' and 'refugee' that fail to capture the experiences of women fleeing persecution (Bhabha, 1996, p.12, note 22). Similarly, the Convention definitions of persecution and refugee can be said to import an adult male standard that is inappropriate when applied to the experience of children fleeing fundamental human rights violations. Child asylum seekers are also cordoned off from inclusion within a vulnerable social group by the definitional sleight of hand whereby older children are not considered to be children; and working children are not considered to be children, regardless of the coerced circumstances of such employment, and the intrinsic subjection to force and powerlessness that is associated with the experience of being trafficked. There are disquieting lessons to be learned about children's citizenship from Canadian case law on child asylum seekers: protection and volition in a child are incompatible. Once a child exercises volition, then she or he is no longer a child and no longer a worthy subject of international human rights that provide special protection rights to children. Given their lack of fit with the prevailing model of adult subjects of human rights (such as 'Convention Refugee'), children who are attributed with reason and volition are also less likely to derive benefit of international human rights protections for adults. Instead, they are relegated to a purgatory where they are no longer children and yet not-quite-adult, and thus fail to enjoy the rights associated with either social category.

### **CANADA'S FAILING GRADE ON PARTICIPATION RIGHTS**

It is also significant that in all areas of law, Article 12 of the CRC, on the participation rights of children, is rarely invoked in Canadian court cases.<sup>30</sup> Canada's lack of progress in the implementation of children's participation rights defies a simple explanation, particularly as the treatment of children as 'pre-citizens' or targets of adult intervention is fairly universal (Freeman, 1997, p.4). Persons under the age of 18 enjoy few participatory rights in Canada, as in most other countries, despite having many adult-type responsibilities, or indeed being recognized (at least partially) as adults in matters such as employment, marriage and family responsibilities, military service, and criminal proceedings.

As Franklin (1995, p. 14) has noted, children have been excluded for so long from the circles where key policy-making occurs that it is unlikely that they could enter this arena without support and advocacy of adults. What is at issue is not the lack of participation of individual children, but rather (as Ruth Lister has argued in the case of women's minimal engagement with formal politics), the nature and conduct of formal politics and its interface with informal politics (Lister, 1995, p.8). It is thus significant that in its nine years of office, the Chrétien federal government has neglected to appoint a children's commissioner, despite pressures from child advocates for the creation of such a position (Leblanc, 2001, p. A5). In the approximately 40 countries that have appointed children's commissioners or

ombudspersons, such appointees have been able to act as links between children's grassroots activism and more formal political representation such as Cabinet Ministers for Children and parliamentary committees for children (Franklin, 1995, p.15).

The Canadian NGO report to the United Nations (2001) takes notice of the absence of systematic children's rights education programs in the school curricula of most provinces, so that little awareness exists about children's rights among Canadian children, parents and teachers (Canadian Coalition for the Rights of Children, 2001, p. 20). In addition, Covell and Howe suggest that the parenting styles prevalent in Canada are inimical to increasing children's self esteem, decision-making skills, and the sense of being full members of families and communities (1991, pp. 108).<sup>31</sup> But even if a democratic and civic republican ethos existed in Canadian families that led to the development of children's character consistent with the model of virtuous, informed and active citizens, one would still need to consider the current opportunity structure to exercise democratic political rights.

The opportunities for meaningful democratic participation in Canadian public institutions - including governments, schools, and universities have notably declined with neo-liberal governance and corporate globalization, such that more authoritarian structures of power implement the priorities in social spending, now defined as deficit-reduction and 'efficiency'. Thus, for instance, the impact of student trustees on school boards, even if provided with voting rights, is markedly diminished in a context where the authority of democratically elected trustees has been usurped by the province. In August 2002, for instance, the Ontario Ministry of Education appointed a supervisor to take over the running of the Ottawa-Carleton school board, because the board's trustees had refused to pass a budget doing away with a \$23 million deficit on the grounds that further cuts would irreparably damage the Ottawa educational system (Mackie, August 17, 2002).<sup>32</sup> Thus, even if Canadian institutions were to affirm children's right to be heard and taken seriously, the realization of such rights would surely be undermined by the decline of opportunities for democratic decision-making in most major Canadian institutions associated with the hegemony of neo-liberalism. The anxiety felt by the Canadian public about 'actually existing liberal democracy' is reflected in recent surveys (Stasiulis, 1997). Canadian adults feel that they exert little influence on their federal government, as indicated in an August 2002 poll where 79 per cent felt that individual citizens lacked political clout, and nearly three quarters agreed that rich people and the U.S. government have too much influence on Canadian political decisions (Baxter, 2002, pp. A1-A2). Similarly, according to focus groups and an analysis of recent research conducted by the Canadian Policy Research Network, Canadians express a bleak view of Canadian democracy, and list political rights ahead of social rights such as health and education as their top priority (May, 2002, pp. A1-A2).

## **THE CHILDREN'S MOVEMENT: A NEW MODEL OF CHILDREN'S CITIZENSHIP**

It is increasingly recognized that the varied laws regarding children's rights and protections arise because children are often not the real focus of such laws that are guided instead by other adult social interests and goals (Minow, 1986, p.6).<sup>33</sup> The adult authorship of various national and international laws has produced a bizarre moral and legal universe for children such that young persons are inexplicably entitled to exercise independent decision-making power and rights at different ages on some issues but not others. '[This] variation of age limits across different societal histories and cultures, means that the numerous boundaries demarcating childhood can regress into an arbitrary and inconsistent relativism' (Franklin, 1995, p.8). In order to tease out what children's citizenship might look like if authored by children rather than adults, the remainder of this article will examine the principles for children's citizenship suggested by a children's movement, and specifically by the movement organization, Kids Can Free the Children (FTC).

While it might be tempting to assume that children's activism is 'inauthentic' insofar as children as subjects operate within a discursive field constructed by adults that produces various truths about children (for example, the UN Convention), such an assumption underestimates actual and potential children's agency. As argued earlier in this paper, the essentialization of children as 'innocent' (of reason, competence, and the ways of the world) and always already devoid of agency, comes at considerable cost to strategies and outcomes that might benefit from children's creativity, energy, and idealism. A more fruitful strategy is to allow that children's activism may indeed be influenced, guided, orchestrated, etc. by adult subjects, discourses and power, but that the degree to which this is so is a matter of empirical determination, rather than a priori assumption. Haid et al. (1999) construct a typology of youth organizations and initiatives in terms of different levels of youth autonomy reflected within the organization or initiative. The organization and social movement associated with Free the Children conforms to Haid et al.'s model of an initiative evincing the highest level of autonomy (providing the 'most autonomous means of achieving objectives and speaking out on issues of concern') (p.iv).

Free the Children is a 'unique international youth organization that empowers young people through representation, leadership and action' (FTC, 2000). The organization was founded in 1995 by Craig Kielburger, then a 12 year old living in Thornhill, Ontario in 1995, who had been moved to travel throughout South Asia and campaign against child labour by the story of Iqbal Masih, published in a local paper. Iqbal was a child labour activist in Pakistan who, as a debt-enslaved loom-worker in the carpet industry, became an activist against coerced child labour.<sup>34</sup> Iqbal was subsequently murdered when he was 12 years old,<sup>35</sup> allegedly by angry members of the carpet industry. Since 1995, Free the Children has become the largest network of children working on behalf of children in the world, involving over 100,000 youth in more than 35 countries. Among the issues taken up by FTC campaigns have been: child labour, child poverty, war affected children, education, and children's rights. The movement has directed unprecedented international attention to issues of child labour and child rights, and has also brought about tangible accomplishments. For instance, over the past three years, FTC has helped build about 300 schools in developing countries under the

premise that education can provide poor children with a better life, and has also assisted in funding clinics, water projects, and other aid programs around the world (Patterson, 2002, p. C7). Child activists have made impressive use of the international mass media in aid of their campaigns for children's rights and well-being, capitalizing on the spotlight created by the image of knowledgeable, articulate child activists, rendered incongruous by the hegemonic western ideology of innocent, pre-political and pampered childhoods and children.<sup>36</sup>

The model of *sui generis* children's citizenship to be read from the counter-hegemonic practices of the children's movement suggests certain principles that can be counter-posed to prevalent characteristics of the partial, contested, passive and highly ambiguous citizenship for children constructed by adults.<sup>37</sup>

### ***A - The Empowered Child Citizen.***

First and foremost, is the notion that children, even very young children, need to have a voice and should be able to participate in social and political issues that affect them. Some childhood theorists argue that childhood is less about age and more accurately conceived as a condition of powerlessness. 'Children's powerlessness reflects their limited access to economic resources, their exclusion from political participation and the corresponding cultural image of childhood as a state of weakness, dependency and incompetence' (Franklin, 1995, p.9). The children's movement is about contesting the powerlessness of childhood and was born out of frustration with the exclusion of children's voices and participation from campaigns for social justice, particularly glaring in organizations and policy arenas that claim to speak for and on behalf of children.<sup>38</sup> Similar to other oppressed or marginalized groups that have rejected the paternalistic notion that others-wiser, more experienced and better positioned - should represent them, the children's movement insists that children are best able to understand matters affecting children, and the best agents to voice these interests.

Because children have been excluded from participation in institutionalized channels of political representation, they are also more likely to engage in forms of direct democracy and creative forms of 'dissident citizenship' (Sparks, 1997, p.75). Some adult advocates for children's participation recommend models of political citizenship invested in liberal democratic ideologies of the efficacy of parliamentary democracy and the atomized political acts of the electorate during elections. They therefore advocate lowering the voting age (Freeman, 1995, p.20). It is doubtful, however, that even if the voting age was lowered (e.g. to 16 years of age), youth would have a significantly greater impact on policy in the Canadian system given the increasing marginalization of elected MPs in an executive-and central bureaucratic agency- dominated polity. In addition, the brokerage system of political parties, which aggregates a broad variety of interests, tends to be a poor vehicle for the articulation of specific popular interests, a factor that has encouraged the proliferation of social movements and interest groups.

In contrast, activist children seek influence through a range of forms of more direct democratic engagement and opposition - both conventional (lobbying, petitioning) and less

conventional (embarrassing adult policy-makers whose concerns for children are revealed to be platitudinous). As children, they are also technological citizens, unintimidated by information technology, and making abundant use of the power of the image, Internet and mass media to inform, mobilize and conduct their campaigns.

### ***B - Participation and Protection.***

Adults are likely to view children's rights to protection as more legitimate than children's rights to participation. This is consistent with the tradition of liberalism that holds that rights to protection require rights holders simply to possess interests and the capability of suffering, while rights to participation require capacities for reason, rationality, and autonomy, from which children are assumed to be excluded (Franklin, 1995, pp. 9-10). Unlike the morass of adult-made policies, including the Canadian case law on asylum-seeking children discussed above, that treat a child's competence as oppositional to a child's claims for protection, the children's movement demonstrates through its activism that children can participate in shaping their own life conditions, but that they also need to be protected from 'abuse, neglect, economic exploitation (child labour), torture, abduction (kidnapping and trafficking) and prostitution' (FTC, 2000). Far from seeing protection and agency as mutually exclusive, much of the activism of the children's movement is aimed at mobilizing governments, international bodies, and agents in civil society to live up to their moral obligations to protect children from harm, legislate better protections against the exploitation and abuse of children, and to more effectively administer the protective laws that exist. In harnessing the ethical power of international treaties on children's rights, particularly the CRC, their movement represents an argument for 'group-differentiated' citizenship, which bestows public recognition upon the special needs and particular aspirations of subaltern groups (Young, 1990).

### ***C - Global Citizenship***

It is significant that the children's movement organization, Free the Children, began with child activists in the North taking up issues of child exploitation in the South. Child activists such as Craig Kielburger and Laura Hannant have studiously avoided neo-colonialist appropriations of third world issues, approaching the issue of combating child labour from a stance of humility and respect for the courage, knowledge and hardships of child dissidents from the South. For instance, children's campaigns against child labour in the North have made Iqbal Masih, the bonded-debt-slave from Pakistan the global symbol for the fight against child labour.<sup>39</sup> This is an emblematic reminder that struggles against child labour 'did not begin in the West, but rather began with organizations such as [Child Workers in Asia], made up of parents, neighbours, friends of child labourers and the children themselves' (Kielburger, 1998, p.75). Campaigns for 'fair trade' compelling countries and corporations to

desist from exploiting child labour and honouring international children's rights to education and other provision rights, are forged through collaboration between youth and child labour advocacy organizations in countries of the North and South (Kielburger, 1998, p.166).`

The children's rights movement reflects a dialogic conception of global or cosmopolitan citizenship (Linklater, 1998) that is attentive, not only to the shared affinities of children around the globe, but also to the need to contest their different experiences of powerlessness within an unevenly developed capitalist global economy. Whereas adult theorists of childhood are more likely to express the differences in childhood between the North and South in terms of a distinction between the `privileged and protected' and the `at risk' respectively, child activists are more apt to recognize two interlinked forms of `exploitation'. Thus, while Kielburger regards children in developing countries to be exploited by debt bondage, hazardous work, lack of educational and other developmental opportunities, and recruitment to fight wars, he is insistent that children in industrialized countries are also exploited. The socialization of children in affluent countries by corporations and the media to evaluate their self-worth in terms of clothing labels and electronic toys reinforces their indoctrination into passive roles lacking moral purpose (1998, pp.290-291). The children's movement is about `freeing' children from both types of exploitation, while involving them in communication communities that cross North/South lines and permit the most vulnerable to contest unjust social structures (p. 291). The global citizenship expressed by this movement is not `post-national' as understood by some writers (e.g. Soysal, 1994), in the sense that the regime of international human rights (including the Convention on the Rights of the Child) promoted by the movement is heavily dependent on states to utilize their powers of sovereignty within bounded territories to enact and enforce legislation that, however, transcends the morally parochial world of the sovereign state.

## CONCLUSION

In sum, while it is now commonplace for adult politicians and advocates for children's rights to parrot aphorisms such as `children are now social actors, subjects in their own right, and active citizens, merely than objects of adult concern and intervention', this view is not borne out in Canadian formal policies or governance practices. The rhetoric about the `future potential' of children and youth `conceals a more fundamental set of closed-mind attitudes that acts as a barrier to young people who want to get involved in civic life and contribute to policy-making' (Haid et al., 1999, p.56). Preceding the U N Convention on the Rights of the Child, the Canadian government had signalled that its interests in children's participation rights were narrowly construed, pertaining only to family law, rather than in enacting a broader interpretation of children's participation rights in `all matters pertaining to children' as expressed by the U N Convention on the Rights of the Child, the 2002 U N Children's Forum, and by Canadian children and youth.<sup>40</sup>

The Canadian government's lack of commitment in enabling children to have a voice is also reflected in its failure to deal with the preconditions for participation, particularly its



neglect of the structural dynamics that produce high and increasing rates of poverty among children. The hegemony of neoliberalism has meant that the government's framing of poverty as 'child poverty' has focused more on family failure and parental irresponsibility and deflected attention away from the multiple and intersecting structural causes of poverty that have deepened with economic liberalization (Wiegers, 2002). Discursively, the government's focus on child poverty also empties the child of agency by reinforcing the idea that children are deserving of support because they are the 'ideal victims - "naturally" innocent, extremely vulnerable and dependent' (Wiegers, 2002, p. 42). As evidenced in recent quasi-judicial and judicial decisions on child asylum seekers, one ideological barrier to children's participation is the obdurate adult belief in the antinomy between children's protection rights and their rights to active citizenship. Thus far, Canadian decision-makers have provided limited political space to young people, and have revealed their apprehension about youth in policy-making roles, which has been further hindered by the current anti-democratic cast of neo-liberal governance

In contrast to the bankruptcy of adult interventions vis-à-vis children's empowerment rights, the children's movement enacts an alternative imaginary of children's active citizenship. This emergent form views rights to protection and participation as symbiotic. It also promotes cosmopolitan democratic values and a sense of responsibility and empathy among children in the North for the lives of children in the South who have been devastated by corporate globalization and adult greed. Thus, in order to understand the directions that active children's citizenship might take, it is instructive to listen to children's voices and to see how children are doing it for themselves.

## NOTES

1. To date, 191 countries have signed and only two countries - the United States and Somalia, have failed to sign the Convention. The Convention was ratified more quickly and by more nations than any treaty in the history of human rights.
2. Article 12 of the United Nation Convention on the Rights of the Child states:
3. States Parties shall assure to the child who is capable of forming his or her own views the right to express those views freely in all matters affecting the child, the views of the child being given due weight in accordance with the age and maturity of the child.
4. For this purpose, the child shall in particular be provided the opportunity to be heard in any judicial and administrative proceedings affecting the child, either directly, or through a representative or an appropriate body, in a manner consistent with the procedural rules of national law.
5. Article 31 of the Convention on the Rights of the Child recognizes the right of the child to play.
6. In a superb analysis, Wanda Wiegers (2002) points out how the framing of poverty as 'child poverty', has the effect of pathologizing or infantilizing adult welfare recipients, a process that also subtly reinforces gendered stereotypes of women recipients as passive and dependent.
7. *1948 Universal Declaration of Human Rights*, Article 2.
8. In one of the earliest treatises on the assault on the social space of modern childhood, *The Disappearance of Childhood* (1982), Neil Postman, argued that when literacy was a prerequisite for knowledge, parents were able to shield children from subjects regarded as developmentally inappropriate, including sex and violence. With the invention of television, however, a 'total disclosure medium', formerly taboo knowledge now became available to the youngest children, placing them on an equal footing with their elders and thus undermining the legitimacy of parental and adult authority.

A spate of books followed in the 1980s and 1990s that replicated the thesis of lost, stolen or disappearing childhoods, and of abused, abandoned, exploited and 'disappeared' children (Garbarino et al., 1992; Hymowitz, 1999; Kotlowitz, 1991; Medved and Medved, 1988; Winn, 1984; Zelizer, 1985).

9. My disagreements with major aspects of Kincaid's thesis presented in two books (1992, 1998) are beyond the scope of this essay.
10. In 1992, while noting the several movements that exist 'on behalf of children', Freeman said of children's movements only that one 'could emerge' (1992: 57). In a 1997 publication, he mentions a few examples of contemporary children's activism including involvement in school strikes, unionization drives, and attempts to divorce their parents (Freeman, 1997:16).
11. In their research on youth involvement in public policy, Haid, Marques and Brown comment on the absence of literature on youth influencing public policy. Instead, they found that 'the focus tends to be on aspects of youth crime, sexual behaviour, drug use, unemployment, etc.' (1999:i).
12. As evident in this statement in the Preamble, not only the upper limit but also the lower limit of the definition of a child was contested, with the Holy See wishing to incorporate reference to the unborn child by the phrasing 'before as well as after birth' (Veerman, 1992, p. 185).
13. 1924 Declaration of the Rights of the Child, 'Declaration of Geneva'.
14. Preamble to the 1959 United Nations Declaration of the Rights of the Child.
15. Particularly noteworthy in this regard is the second paragraph of Article 3: 'States Parties undertake to ensure the child such protection and care as is necessary for his or her wellbeing, taking into account the rights and duties of his or her parents, legal guardians, or other individuals legally responsible for him or her, and, to this end, shall take appropriate legislative and administrative measures'.
16. Article 12(1) provides, 'The States Parties to the present Convention shall assure to the child who is capable of forming his or her own views the right to express those views freely in all matters affecting the child, the views of the child being given due weight in accordance with the age and maturity of the child.'
17. Article 12(2) provides that 'For this purpose the child shall in particular be provided the opportunity to be heard either in any judicial and administrative proceedings affecting the child, either directly or through a representative, or an appropriate body, in a manner consistent with the procedural rules of national law.'
18. One of the strengths of the Commission is that it has a monitoring body, The Committee on the Rights of the Child, which requires States Parties to submit reports on their compliance with the treaty every five years. The monitoring committee reviews and provides a report pointing out the progress and violations of the treaty by the reporting state. The Convention on the Rights of the Child was adopted on November 20, 1989, signed by Canada May 28, 1990, ratified by Canada December 13, 1991, and came into force in Canada January 12, 1992.
19. Article 6(2) provides that 'States Parties shall ensure to the maximum extent possible the survival and development of the child'. According to Article 27(1), 'States Parties recognize the right of every child to a standard of living adequate for the child's physical, mental, spiritual, moral and social development'. Article 27 gives parents the primary responsibility for care of children, but assigns the state the responsibility to provide material assistance to the family in order to implement this right.
20. Conversation with Laura Hannant, age 14, September 2001, Ottawa.
21. The act also requires the best interests of the child be considered in the context of obligations of permanent residents, and certain decisions taken by the Immigration Appeal Division (UNHCR, 2001, p.13, note 27).
22. The Supreme Court of Canada held that the values reflected in international human rights law help to inform the contextual approach to statutory interpretation.'
23. The 'doctrine of transformation' states that Canada's national laws do not automatically change as a result of its having signed an international treaty, and must be implemented in Canadian law in order to have effect. However, even when Canada has not implemented treaties to which it is a party, international laws may have impacts on the national legal system, for example, by affecting the decisions of jurors who would not wish to violate Canada's international obligations (Adjin-Tettey, 2001, p.459). This seems to have occurred in the B~zker case.
24. The United Nations High Commission for Refugees (UNHCR) defines a 'separated child' as a person who is under the age of eighteen years, and 'who is separated from both parents and is not being cared for by an adult who by law or custom has the responsibility to do so' (2001, p.6). While refugee children account for about 45% of the world's refugees, separated children are estimated to make up only three to five percent of refugee populations (UNHCR, 2001, p.6). Although small in number, separated refugee and asylum-seeking children are recognized as very vulnerable: they

are separated from family and other people responsible for their well-being, are exposed to innumerable emotional, social, educational and economic risks, and often specifically targeted by armed conflict, persecution and trafficking (UNHRC, 2001, p.7).

25. In *Gao v. Canada (Minister of Citizenship and Immigration)*, twelve mostly female Chinese separated children, aged 15 to 18 years of age, who had been in custody for approximately six months in the bleak premises of 'Celebrity House', had applied for release from the Ontario Superior Court. While Madame Justice Chapnik dismissed the application, finding that the court lacked jurisdiction and that the matter would be more appropriately dealt with at Federal Court, she felt compelled to express her serious concerns about the length and conditions of detention endured by the children. Judge Chapnik pointed out that 'by any standard' and in comparison to the average length of detention in immigration holdings of 8 days, the six-month detention for these separated children was troubling. She also commented on the blatant disregard by immigration and provincial officials of the health and well-being of the detained children; the children were reported as being 'depressed, suffering from sadness and anxiety'; they reported numerous health problems 'including loss of sleep, fainting, bleeding gums' yet were denied the care of a Mandarin-speaking doctor; they were also denied basic necessities, including toothpaste, soap and sanitary napkins, reading materials, and educational, recreational and religious activities (para. 7, 8). In light of the contravention of many provision and protection rights specified in the Convention on the Rights of the Child, the Ontario Superior Court judge stated that 'If immigration officials feel compelled to detain these minors, then, in my view it is imperative that they put in place the proper conditions of detention that accord with Canada's commitments as a signatory to the United Nations Convention of the Child' (para.10)
26. Although much of the critical commentary surrounding the detention of separated children in 1999 and 2000 linked official responses to the more general racist overtones of treatment of asylum seekers from China designed to deter future arrivals, the Canadian government had earlier been criticized by the UN Committee on the Rights of the Child for its treatment of refugee and immigrant children.. In 1995, in its response to Canada's tabling its first report on implementation of the CRC, the monitoring committee conveyed its regrets '...that the principles of non-discrimination, of the best interests of the child, and of the respect for the views of the child have not always been given adequate weight by administrative bodies dealing with the situation of refugee or immigrant children. It is particularly worried by the resort by immigration officials to measures of deprivation of liberty of children for security or other related purposes and by the insufficient measures aimed at family reunification' (quoted in UNHCR, 2001, pp.12-13, emphasis added).
27. In addition to the several references to the UN Convention on the Rights of the Child in the new Immigration Act, the Immigration and Review Board (IRB) adopted Children's Guidelines in response to an increase in the number of child claimants and concerns about how refugee adjudicators were dealing with these claims (UNHCR, 2001, p.31).
28. The Immigration and Refugee Board is the independent, quasi-judicial tribunal responsible for refugee status determination in Canada. Claimants refused refugee status may apply to the Federal Court to have the decision reviewed on points of law or mixed fact and law. If leave for judicial review is granted, the Court examines the case and decides either to affirm the initial rejection or to return the case to the IRB for a new hearing before a different IRB Member (UNHCR, 2001, p.39).
29. 1951 United Nations Convention Relating to the Status of Refugees Art.1 A (2). This is also the legal standard that appears in Canada's immigration legislation.
30. It is unclear from the transcript of the decision, how counsel for the claimants handled the claims of the asylum seekers who were 18 and 20 years of age since they did not fit the CRC's age-based definition of children.
31. For example, Justice Muldoon failed to provide reasons for the Court's decision that procedural fairness was not denied (Zhu, para 31). The Court also failed to specify why it found the argument that 'children may be less inclined to seek the protection of the state, particularly where this would require them going against their parents' directions' as 'far from complete or compelling' (para 28).
32. This was determined by a search of the QuickLaw database of Canadian court cases.
33. Specifically, Covell and Howe 'authoritative' parenting is superior to 'authoritarian' and 'permissive' models of parenting in encouraging children to express their views and respecting those views, but in a context where children are supervised, monitored, and provided with affectionate support (2001, pp.104, 105). They report the findings of a 1999 National Longitudinal Survey of Children and Youth whereby only one-third of the 19,000 Canadian parents of children between ages two and eleven years, adopted an authoritative style of parenting (2001, p.107).

34. Under the Ontario Education Act, passed by the Conservative government of Mike Harris, school board deficits are illegal and the province has the right to appoint a supervisor to make the cuts and run the school system (Mackie, August 17, 2002, p.A5).
35. Minow points out how U S laws regulating child labour were not enacted until organized labour provided its support. Unions realized that child labour laws 'could improve the ability of adult workers to command higher salaries by constricting the available labour pool. Children here were only one of many social concerns, and perhaps not even a central one' (Minow, 1986, p.6).
36. The practice by Free the Children of referring to Iqbal by his first name personalized him, recuperating him as an active though exploited third world child, distinguished from the preponderant image of 'the destitute, famished child of the Developing World' (Wiegiers, 2002, p.48). This notably child-like linguistic naming practice is distinct from that of adults, who usually refer to people by their last name in writings (as evidenced in my reference to Craig Kielburger as 'Kielburger').
37. The World's Children's Prize for the Rights of the Child reports that Iqbal Masih was murdered when he was 13 years old, whereas Kielburger's account reports his age at death at 12 (The World Children's Prize for the Rights of the Child, 2002; Kielburger, 1998, p. 7). Corporations which sell products made by child labour often engage in an 'age game' where they claim that the children in Southern countries employed by a chain of contractors and sub-contractors are of 'legal' age defined by local employment standards, but often appear younger. The investigations of child labour and human rights organizations find differently - that children are employed at ages well below those set by those countries' child labour legislation.
38. For instance, Craig Kielburger relates how the media attention garnered by the 12-year old's fact-finding mission in South Asia permitted him virtually to corner Prime Minister Chrétien in Islamabad. The media spotlight on the ensuing dialogue between Prime Minister and child activist compelled the Prime Minister to agree to add child labour to the agenda of the trade mission of 'Team Canada' in South Asia, a delegation of the PM, eight provincial ministers, and 250 businesspeople that had theretofore skirted all human rights issues (Kielburger, 1998, pp. 164, 194-198). Kielburger also credits his meeting with then Liberal Foreign Affairs Minister Lloyd Axworthy as planting the idea with Axworthy of the need for Canada to enact legislation that would permit the prosecution of Canadians who sexually exploit children outside the country, which soon led to the necessary amendments in the Criminal Code (Kielburger, 1998, p.286).
39. My analysis of the discourse on child citizenship of FTC and the children's movement is based on my reading of Kielburger (1998), the web site for Kids Can Free the Children (<<http://www.freethechildren.org>>), and from a lecture delivered to my Sociology of Children class in September 2001 by then 14 year-old Laura Hannant, one of the first members of FTC, and an activist on international children's issues since age 10. particularly where this would require them going against their parents' directions' as 'far from complete or compelling' (para 28).
40. Kielburger provides copious evidence of the absence of opportunities given to children to voice their interests and to participate in conferences and collective action dealing with child rights and welfare. Thus, UNICEF, the world's largest children's organization, did not (as of 1998) 'have a single child involved in any decision-making process or taking part in any of its board meetings' (1998, p.288). At the World Congress Against the Commercial Exploitation of Children held in Stockholm in 1996, only 17 of the approximately one thousand delegates were young people. The presence of these youth delegates was decorative rather than participatory, as they were permitted to speak only after government representatives had gone home and decisions had already been taken (Kielburger, 1998, p.287). Kielburger also refers to an international conference on child labour held in Oslo which brought together about 400 adults and only three child participants; the silencing of children at this conference was protested by a girl who stood outside the formal proceedings with a tape over her mouth (p.287).
41. The World's Children's Prize for the Rights of the Child, often called 'The Children's Nobel Prize' was established in Sweden in 2000. It is awarded to a child who has furthered the cause of children, is voted on by persons under the age of 18 around the world, and is decided by fifteen children from across the globe who have had their rights violated and who fight for children's rights. The first such prize was awarded posthumously to Iqbal Masih and the prize is also a tribute to Iqbal's memory. In 2002, more than 125,000 children in 20 countries took part in a 'global vote' to posthumously award a 'Global Friends Award 2002' to Nkosi Johnson, a South African boy who died of AIDS at the age of 12 and who fought for the rights of children with AIDS. 'The World Children's Prize for the Rights of the Child', <<http://www.childrensworld.org>> (accessed August 24, 2002).
42. A poll of Canadian youth conducted by Save the Children Canada in August 2001 revealed that '51 per cent of respondents said their main message to adults is that they want to be listened to, respected and understood' (Leblanc, 2001, p.A5).

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