

**Child Rights and Practitioner Wrongs:
Lessons from Interagency Research in Sierra Leone and Kenya**

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Abstract

Child rights are fundamental for ending violence and injustice against children and promoting children's well-being. However, the top-down manner of introducing child rights is frequently problematic. Ethnographic research in Sierra Leone and Kenya indicates that top-down, impositional approaches to teaching child rights can lead local people to view child rights as a harm to children or to prefer traditional practices that clash with human rights standards. To implement child rights, the use of a slow, respectful process of internally guided social change is recommended.

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Background and Purpose

Human rights are at the forefront of efforts to end tyranny, oppression, discrimination, inequality, and various forms of mistreatment such as torture. Human rights are as important for what they promote as for what they prohibit. From the Universal Declaration of Human Rights onward, they identify the basic entitlements of all human beings and constitute a set of minimum conditions needed to insure the respect, freedom, and dignity of every person.

A high priority in the movement toward human rights is to ensure the rights of children, who are defined under international law as people under 18 years of age. Worldwide, children are under assault from a toxic combination of harms related to armed conflict, violence, mass displacement, gender-based violence, exploitation, HIV and AIDS, early marriage, dangerous labor, and sexual exploitation, among others. At the heart of international efforts to end these harms and to insure children's well-being is the UN Convention on the Rights of the Child (CRC, U, N. General Assembly, 1989), which has now been in force for a quarter of a century. The CRC insures the full range of children's survival, development, and participation rights, and it expressly prohibits violations of children's protection rights. The CRC defines universal standards that can be adapted to different contexts and used to support the well-being of all children, including those who are most vulnerable. From this standpoint, it is difficult to overestimate the importance of the CRC and steps to implement it in an effective manner in all countries.

In light of the high importance of implementing child rights, it is important to ask “How are we doing?” Often this is done by taking stock of the child rights supportive policies and laws that are on the books and by examining whether violations of child rights are being handled in an appropriate, effective manner. Although these efforts are valuable, they focus mostly on formal, government managed efforts to implement child rights. Of equal importance, however, are the

nonformal aspects of society--the family, community, and civil society aspects of a society. Stakeholders at these diverse levels are duty bearers and have an obligation to do their respective part in promoting and fulfilling children's rights. To create a social environment that supports child rights, it is important that child rights be supported by diverse, nonformal actors at different levels. Thus, an important question is: How are we doing in regard to enabling families and communities to support child rights?

At present, many governments that are signatories to the CRC and international NGOs that promote child rights take an educational approach that is best described as being “top-down” and “didactic.” Few hard data are available on the efficacy and any unintended consequences of this approach to implementing children's rights (Wessells, 2009). Our experience in diverse countries in Asia and sub-Saharan Africa, however, is that child protection practitioners frequently train local people on child rights only to see them continue abusive practices such as beating children or marrying girls off at an early age. Also, reactions against child rights occur, as local people may see them as alien and reflecting outsider values (Wessells, 2009). It is important to document more fully whether and why this situation exists and to use what is learned as a foundation for efforts to boost the implementation and realization of children's rights.

The purpose of this chapter is to document and analyze local people's views of children, harms to children, how people respond to those harms, and how these views and practices relate to child rights. The chapter presents two African case studies: Sierra Leone and Kenya. In both countries, child rights are enshrined in national policies, and there have been extensive grassroots efforts to teach people about and help them to internalize the language and the practice of child rights. In both countries, predominantly top-down efforts to teach child rights have encountered

significant challenges that suggest the need to develop new modalities of practice in regard to child rights and child protection. The paper concludes with a reflection on how to transform current practice regarding child rights in ways that build greater support for child rights at all levels of the nonformal aspects of society. It suggests that a social norms change approach is an important complement to efforts to develop child rights-supportive laws and policies.

Both country cases are based on the work of the Interagency Learning Initiative on Community-Based Child Protection Mechanisms and Child Protection Systems (Wessells, 2015; Wessells, Kostelny, & Ondoro, 2014). Broadly this Initiative aims to test whether community-based child protection mechanisms can be made more effective through community-led action on behalf of vulnerable children and linkages with the formal aspects of the national child protection system (see Wessells, 2011, 2015). In essence, this is a bottom-up approach to child protection system strengthening. The Initiative did not set out to study child rights, yet its initial phase involved systematic learning about views of children and existing child protection supports and child rights that have implications for efforts to support child rights.

The Sierra Leone Case Study

Sierra Leone is a West African society with a population of just over six million people. It suffered a bloody war 1991-2002 that was notorious for its child soldiers and other heinous child rights violations (Denov, 2010; Wessells, 2006). Despite its wealth of natural resources, Sierra Leone is one of the world's poorest countries and ranks near the bottom (177th) on the Human Development Index (UNDP, 2013). The average life expectancy is 46/47 years, and 182 out of 1,000 children die before reaching the age of five years (WHO, 2013). This situation was likely worsened further by the Ebola crisis of 2014-15.

In Sierra Leone, the formal governance system includes a multi-party system, an elected President, a legislative branch led by an elected Parliament, and a system of 12 districts. Nonformally, the country is divided into 149 Chiefdoms, each of which is headed by a Paramount Chief, whom local people regard as the 'keeper of the land' and as the highest authority (Reed, & Robinson, 2013). This mixture of formal and nonformal mechanisms is also evident in the justice system (Child Frontiers, 2010; Krueger et al., 2014). Police enforce national laws, and criminal offenses against children are handled by Family Support Units, which include police and Government social workers who have been trained to handle cases involving children. At grassroots level, disputes are frequently handled by local Chiefs, who may refer to higher Chiefs if they are unable to reach an appropriate settlement (Child Frontiers, 2010). Violations against children are frequently adjudicated by the Chief and his or her group of elders, whose decisions are often guided less by the best interests of the child than by the need in rural villages to maintain inter-family harmony and a spirit of reciprocity.

To support children's protection, the Government of Sierra Leone passed in 2007 the National Child Rights Act (CRA), which was grounded in the CRC and its regional counterpart, the African Charter on the Rights and Welfare of the Child. The CRA mandated the establishment of a Child Welfare Committee (CWC) in each village (this was subsequently changed to Chiefdom level). The CWC members included a traditional leader, religious representatives, a social welfare officer nominated by the Minister, social service providers, and one male and one female child or young person. Aside from the social welfare officer, most members were elected. The CWC members would develop grassroots understanding of and support for children's rights and encourage people to report child rights violations to chiefdom-

level CWCs and to report criminal offenses to Family Support Units (FSUs) that consist of police and social workers who have been trained how to work on children's issues.

In support of this approach, UNICEF/Sierra Leone and the Government encouraged and supported work by diverse international NGOs (e.g., Save the Children, Plan International, World Vision, ChildFund, etc.) to establish and build the capacities of CWCs and to teach local people--particularly children--about child rights and what to do when violations occurred. This was a top-down approach in that it was driven by the Government, UNICEF, and other formal actors. It was didactic since its primary approach was to teach local people about children's rights and how to support them.

Ethnographic Methodology

Broadly, the ethnographic research aimed to learn about the child protection situation and system as seen through the eyes of local people and without using international terminology such as “child protection” or “child rights.” The full methodology of the research, which was conducted January–May, 2011, has been outlined elsewhere (Wessells, 2011; Wessells et al., 2012). In brief, the research sought to answer questions such as: Who is a child? What are the main harms to children? When the harms arise, what happens--who gets involved; who is consulted; who takes decisions; what are the outcomes; and how do different stakeholders view the outcomes? What are the linkages of community mechanisms with the national child protection system? How do communities perceive government mechanisms such as FSUs? What do local people usually do in regard to criminal offences such as the rape of a child?

To help answer these questions, trained national researchers lived and worked in 12 rural communities for a period of two weeks and were mentored by more experienced researchers. Six communities were in the northern, predominantly Temne speaking district of Bombali, and six

were in the southern, Mende speaking district of Moyamba. The study population consists of the approximately 6,000 people who live in the twelve research sites, the population of which ranged from 200 to 1,100 people in each site. The researchers used multiple methods:

Participant Observation: Visiting schools, sharing meals, and accompanying people to their farms, the researchers observed children in the context of family, peers, school, work, religious practice, and community life.

In-depth Interviews: These one-on-one, 60-minute interviews were conducted in the local languages with diverse young people (13-18 years) and adults. The interviews were open-ended in that they were not strictly scripted, and the researchers had been trained to ask probing questions and to follow the interests of the participants.

Timelines: Participants drew timelines that outlined the usual child development process and identified key developmental milestones (e.g., naming, going to school, initiation) and what marks the transition from childhood to adulthood. Questions were asked about the typical activities and responsibilities of children at different ages and the typical progression of children's development.

Group Discussions: Researchers facilitated discussions with groups of 7-10 participants over a period of approximately 90 minutes. First, participants identified the things that harm children (other than poverty and health problems) and then ranked them, identifying the three that were most serious or concerning. Next, the researchers asked questions that identified the two most typical pathways and mechanisms of response to each of the top two child protection issues in regard to a hypothetical child. The discussion participants came from a pre-defined sub-group such as teenage girls, teenage boys, women, and men, with attention to including diverse sub-group members.

Body Mappings: Body mappings were conducted (typically for 45-60 minutes) with small groups of children 5-12 years of age. To draw a hypothetical child, one child who volunteered lay on a large sheet of paper while other children used crayons to trace an outline of his or her body. Having colored in the drawn figure and named it, the children were asked questions such as “What do the eyes see that they like?” and “What do the eyes see that they don’t like?” Similar questions were asked regarding ears, mouth, hands, and so on. Care was taken not to probe what the children said since the intent was to avoid exploring the child’s own, possibly painful experiences.

Key Informant Interviews: In depth interviews were conducted with Chiefs and child protection workers (e.g., CWC members, NGO workers, social workers) in order to learn about their views of child protection threats in their villages; the various mechanisms (e.g., traditional or indigenous mechanisms, CWCs, NGO facilitated mechanisms, government mechanisms) that may or may not be present in their villages; and the linkages of community mechanisms with the national child protection system.

For the group discussions, in-depth interviews, and key informant interviews, the researchers made audio recordings of what the participants said and subsequently prepared near verbatim transcripts in English. For the other methods, the researchers took careful notes and prepared a report afterwards. The researchers avoided using international terms such as “child rights” or “child protection” unless the participants used those terms. Throughout their work, they respected ethical principles such as informed consent and confidentiality (Alderson & Morrow, 2011; Graham et al., 2013). As part of their ethical obligations, they fed the findings back to the communities at the end of the ethnographic phase, thereby stimulating collective reflection and ideas about collaborative action that informed the subsequent action research.

The data were analyzed using an intensive, grounded methodology (Charmaz, 2006; Strauss & Corbin, 1990), in which two international researchers identified natural categories and consistent, emergent patterns, with variations noted. These served as working hypotheses that the researchers checked by re-reading and further analytic discussion, including with Team Leaders. Accuracy was checked through extensive triangulation of data from different sources and methods. For example, if local people said that corporal punishment was common, participant observations were used to validate or qualify that statement.

The study did not measure the actual frequency of various harms or employ a nationally representative sample. Because the research examined only rural sites, the findings cannot be generalized to large cities or urban areas.

Key Findings

Since the detailed results have been reported elsewhere (Wessells, 2011), this section emphasizes the findings that pertain to child rights.

The participants defined children not by their chronological age but according to whether they were dependent or engaged in children's activities such as playing games. The main harms to children identified were teenage pregnancy out of wedlock, out of school children, maltreatment of children not living with their biological families, and heavy work. Other harms that were not among the top four harms but that people identified consistently were: child beating (“flogging”), cruelty (e.g., setting a child's hand on fire using kerosene), sexual abuse, neglect and bad parenting, witchcraft, abduction and ritual murder, and child rights.

A key finding was that adults spontaneously identified child rights as a threat to children. Parents said that they needed to discipline their children if they were to be good parents, and they used beating as a means to teach children obedience, respect to authority, and good behavior.

Adults reported that the teaching of child rights had undermined parents since child rights prohibited child beating. They also said that children had become disobedient and unruly as a result.

One thing that doubts us as parents is the fact that they [child rights advocates] say parents should not beat their children any more. For this is not good because beating the child is one way that makes your child to fear you and listen to you, otherwise the children will keep on doing wrong things without fear. So we have been left in doubt and they say that is what the government says. If children don't fear their parents, they will not grow well and this hinders their development. (Chief, Bombali)

Despite the idea of the human right, there is a saying which goes this way; "if you spare the rod, you will spoil the child." You should not beat and wound the child, but you should let him know that he is being disciplined for something good that must be learnt. If that is not done and the child is just allowed to do as he or she feels, that child will grow wayward. (Father, Bombali)

Respondent: *Well the things that I know that are harmful to children is that we are not allowed to beat children. It is far different from what happened in our own days. Even if parents want to discipline their child, they cannot because of the law, so they become stubborn.*

Interviewer: *Is this harmful for children when they are no longer beaten?*

R: *Yes, because one would want to control the child and to discipline that child but the children will not listen to instructions. This is harmful for them.* (Group discussion, men, Moyamba)

I: *What are the things that happen to children here, boys and girls that affect their development and make them unhappy?*

R: *Thank you. Now, one of the things that hurts us here, the government says we should not cuss or beat our children. They no longer listen to us or obey us. They say, if you beat me, if you cuss me, I'll report you to human right. As a result, the girls get out of hand and in the end, they get pregnant and drop out of school. When this happens, we have nothing to do because as the saying goes, "bad bush nor dae for troway bad pikin" ["there is no bush to throw away a bad child"].* (Group discussion, women, Bombali)

Numerous participants pointed out that the NGOs had taught children about their rights without an emphasis also on children's responsibilities. In their eyes, children used "child rights" as a means of doing what they wanted to do, without thought about their responsibilities in the family or at school.

People also reacted against the reporting of child rights violations to the human rights workers. The following excerpt from a group discussion (the different numbers refer to different participants) indicated the disastrous consequences associated with the reporting of a parent who had beaten her child.

R8: *Even human right is responsible. The children refuse to go to school and threaten to report us the parents to the police, even the head teachers who usually flog them – government has stopped that...*

I: *Madam [X], tell us something, you have been quiet so far.*

R5: *I have a very troublesome child. Twice I have been invited to Human Rights office on behalf of the child.*

R3: *The child misbehaved and when [X] beat her, the child went to the human rights people in this town. They forwarded her to the human right people in Moyamba and the human right people forwarded her to the police. [X] explain to them.*

R5: *The police came here and charged me to pay money. I lost over twenty thousand Leones and from that day, I don't have anything to do with the child anymore.*

Whenever she asks me for something, I tell her to go the human right people or to the police. She asked me to buy slippers for her and I told her to go to the police so that they can give her the money as I have given them all the money I had.

I: *Is the child living with you?*

R5: *Yes I cannot drive her out of my house because the human right people will arrest me, but I have nothing to do with her anymore. I do not even send her to do anything for me anymore.*

I: *How old is the child?*

R5: *She is about thirteen years of age. She is very stubborn and does not listen to me. She does not want to work at all, just to play and eat.*

I: *How do you address such problems? What do you do to children who are stubborn and difficult to deal with?*

R4: *We deprive them of food, “starve them.” We don’t beat them because they will take us to human rights.* (Group discussion, women, Moyamba)

From a child protection standpoint, the mother’s decision to have nothing to do with her daughter and the decision of some people to starve their children rather than beat them are highly negative outcomes that are antithetical to child rights and child protection.

Overwhelmingly, people did not report violations through either the CWCs or the police. In fact, over 90% of the time, participants said that they preferred to handle harms to children through traditional means, which involved indigenous mechanisms. For example, if a girl became pregnant, the typical response was through inter-family compromise. In particular, the pregnant girl's family went to the family of the boy responsible for the pregnancy, asked whether he was responsible, and, if he admitted that he was, negotiated a settlement with his family. Usually, the boy's family agreed to have the boy marry the girl, care for the girl, and pay for her education expenses from the preceding year. This outcome may not have supported the girl's rights, and girls themselves were not always happy with it. Yet the compromise solution helped to maintain the inter-family reciprocity needed to maintain village cohesion and harmony.

The preference for endogenous mechanisms applied even in a criminal case such as the rape of a girl. Indeed, many people said they would not report severe offenses to the CWCs or the police because they were located too far away, would require too much time away from farming, or would not likely produce results. Also, some people said that their village is like a family and that they did not discuss family matters with outsiders.

Implications

These results indicated a significant disconnect between the formal child protection system, including the child rights concepts on which it was established, and the nonformal

system that most people used. The disconnect was visible first in the definition of who is a child. Although child rights approaches use a chronological definition, most participants defined childhood not according to age but the dependency and activities of young people. This use of nonchronological definitions of childhood resonates with the findings of studies in many different countries (Boyden, 1997; Pupavac, 2001).

The disconnect was also conspicuous in regard to views of harms to children. In contrast to child rights advocates, the participants in this study viewed child rights as a harm to children. Similarly, although female genital mutilation (FGM) is a profound violation of children's rights and is very widespread in Sierra Leone (UNICEF, 2013), local participants never mentioned FGM in identifying harms to children. Possibly this silence occurred because in rural areas, FGM is seen as normal and as a socially acceptable prerequisite for marriage. Further evidence of the disconnect was the overwhelming tendency to use nonformal means of responding to various harms to children. This was true even in regard to criminal offenses against children.

Of concern was the finding regarding backlash against child rights. Not only did ordinary parents and adults identify child rights as harms to children, but they also did so with considerable anger and frustration. Far from being something that “did not take” in the villages, child rights evoked disdain and contempt. Thus the introduction of and education about child rights in Sierra Leone had a negative impact by moving adults away from supporting child rights. This finding is consistent with those of numerous other studies (Behnam, 2011; Shriberg, 2007). The result was a clash of values that became widespread in Sierra Leone as NGOs and others introduced child rights on a widespread basis after the war. In one of the most in depth studies of child rights in Sierra Leone, Behnam (2011) reported how the helter-skelter introduction of child rights in Sierra Leone created multiple frictions amidst an ambiguous and changing social

context. Similarly, Shriberg (2007) observed that teachers in Liberia felt angry and frustrated over child rights, which they perceived as having reduced their authority and ability to discipline learners.

An important question is why the introduction of child rights produced backlash. Our interpretation is that it likely stemmed from two key factors. First is the idea that child rights are a radical idea and approach relative to the endogenous concepts of childhood and the roles of children in relatively traditional societies. In many respects, Sierra Leone is patriarchal and gerontocentric (Shepler, 2014), and children are expected to obey and respect their parents and elders and to help support their families. Alien and threatening are the child rights views that children should participate and have a voice, that girls and boys are equal, or that children should report parents who discipline them physically. Thus, there is a culture clash between the world of child rights, which reflects Enlightenment values and the views of modernity, and the world of traditional values and practices.

Second and equally important, how one navigates or negotiates these clashing worlds and contested power relations has a significant impact on whether people internalize child rights or reject them as being “harms to children.” If the process of introducing, promoting, or supporting child rights is disrespectful or if child rights are seen as alien and as not reflecting indigenous values, then there will be backlash against them. Yet if the process of introducing, promoting, and supporting child rights is respectful and seen as somehow congruent with local values and beliefs, then people should be more likely to accept child rights as important and to adopt the language and the practices of child rights. In Sierra Leone, interviews of child rights workers by the first author indicated that they had used a top-down approach in the effort to teach people the correct way to respect child rights. The Child Rights Act itself was a top-down imposition by the

Government. Particularly in rural areas that do not have strong relations with the Government, people asked why they should adhere to the ideas of outsiders, which appeared alien in light of local values. Also, when NGOs went out to villages to teach child rights, they used didactic methods such as lecturing parents about why they should not beat their children. By implying that people are bad parents, this approach came across as judgmental and disrespectful, especially since the child rights workers had done little to learn about what parents already did to help care for and protect their children.

As this case study indicates, one cannot assume that efforts to teach and enforce child rights will have positive effects, as the outcomes may depend greatly on the context and on how child rights concepts have been introduced and used. This finding is crucial because, in the world of humanitarian practice, agencies frequently assume that their good intentions of teaching and supporting children's rights will enable their efforts to achieve positive results. In contrast, this case and others like it indicate that good intentions do not necessarily make for positive results. In order for the teaching about child rights to have positive results and to avoid backlash, child rights must be introduced in a respectful manner that builds the support of local people. Such an approach, described below in the example from Angola, would need also to negotiate the power balance between adults and children and to teach children that alongside their rights come responsibilities.

Toward a Respectful Approach

During the Angolan war that ended in 2002 following several decades of fighting, people in rural areas were aware of children's needs yet had little or no understanding of children's rights. Christian Children's Fund (now ChildFund)/Angola introduced the concept of child rights

by building on local understandings of children's needs. This was done in the context of reflecting on children's psychosocial well-being.

In workshops, each conducted with approximately 20 adults, the facilitator, who was from the local area, wrote the word "child" in the local language (or Portuguese where that was more appropriate) in the center of a large sheet of paper. Then she asked "What do children need for healthy development?" As the participants responded by saying things such as 'love,' 'education,' 'care,' and 'respect,' the facilitator wrote those words on the paper around the word 'child.' Then she asked "Who provides these things?" As the participants suggested "parents," "aunts and uncles," "teachers," "neighbors" and others, she wrote them on the paper, forming concentric circles of care around the child. This was accompanied by discussion of the web of interconnecting responsibilities—e.g., of parents to care for children, and of children to be respectful of adults and to help their families.

Child rights were then introduced by explaining briefly Angolan national laws regarding the treatment of children and their connection with international human rights standards. Also, the facilitator invited reflection on points of convergence between the participants' views and those embodied in the CRC. For example, having summarized what participants had said about the importance of education, she described the view that children have a right to education and invited discussion. As the discussion unfolded, she also noted that the previous discussion of interconnecting responsibilities fit with the child rights discourse about duty bearers at different levels and their obligations.

Although these discussions were not designed to teach about child rights per se, they helped to make abstract concepts intelligible and to link them with people's own lived experiences, understandings, values, and practices. People appreciated this respectful process and

expressed interest in learning more about child rights. Although such a dialogue-oriented process did not immediately close the gap between local beliefs and practices and those embodied in child rights standards, it opened a space for constructive dialogue, discussion of how to negotiate the “two worlds,” and social change. It also avoided the problems of backlash described above.

The Kenya Case Study

Kenya, a country of 44 million people in East Africa, is a useful comparison to Sierra Leone. In addition to having a higher level of educational attainment, Kenya has a highly robust legal framework for the protection of children and insuring child rights are fulfilled. The Constitution of Kenya guarantees all children (people under 18 years of age) the right to protection from abuse, all forms of violence, harmful traditional practices, neglect, inhuman treatment and punishment, and exploitative or hazardous labor. Kenya is a party to the Convention on the Rights of the Child and the African Charter on the Rights and Welfare of the Child. These international instruments were domesticated through the Children Act of 2001, which is the foundation for a wide array of child protection supports. Recently, the government pledged to establish four new Child Protection Centers every fiscal year, with the aim of covering all the counties.

Like Sierra Leone, Kenya has many areas of chronic poverty (Rural Poverty Portal, 2014; World Bank, 2014;), which have been the sites of extensive effort to teach and implement child rights. Operationally, prior to 2014, children's well-being was overseen nationally by the Department of Children's Services, which had District Children's Officers (DCOs) in each county who promoted children's well-being.(As of 2014, County Children's Officers have taken on this role.) Also, Area Advisory Councils (AACs) support and monitor children's services, raise awareness on child rights, and develop strategic partnerships in support of children. AACs

consist of the children's officers at the district/country level, NGOs, community-based organizations, faith based organizations, and representatives from the business community. At grassroots levels, trained Volunteer Children's Officers (VCOs) respond to violations, make referrals as needed, and help to promote awareness of children's rights. People can contact the VCOs or authorities such as the Chief (who is Government appointed) or the police in order to report violations of children's rights.

The purpose of the ethnographic research was to learn deeply about a small number of communities in Mombasa, Kilifi, and Kisii areas, which were selected through a highly consultative process with child rights and protection workers at different levels. Mombasa and Kilifi were of interest because they are in the coast area where child rights violations such as child sex tourism have been prevalent. Kisii was of interest because it is in a different geographic area (Nyanza) and has an ethnically distinct population of Kisii people.

Methodology

The six research sites (two in each area) included a mixture of urban and rural settings. In Mombasa, the sites were two urban slums, whereas the sites in Kisii were highly rural. The sites in Kilifi area were peri-urban as most people lived in towns in and around predominantly rural areas.

The methodology used was highly similar to and modeled on that which had been used in Sierra Leone. The main difference in methodology was the deliberate interviewing of a larger number of specific subgroups. Whereas in Sierra Leone there had been six key sub-groups (women, teenage girls, young girls, men, teenage boys and young boys), the Kenyan research worked with eight sub-groups: women (25 years and older), young women (18-25 years), teenage girls (13-17 years), young girls (5-12 years), men (30 years and older), young men

typically not married (18-30 years), teenage boys (13-17 years), and young boys (5-12 years). These sub-groups were included to provide a variegated picture of views of childhood, harms to children, responses to harms that occurred, and so on. Also, the methodology included more systematic learning about preventive factors.

Teams of trained female and male Kenyan researchers lived in their respective research areas for several weeks. Mentored by Team Leaders who had greater ethnographic skills and experience, they collected verbatim data using the methods outlined above. The data, which were collected in the period 2012-13, were analyzed using a grounded methodology as before.

Key Findings

The findings presented apply across age groups (for details, see Wessells et al., 2014, which refers also to the three area specific reports). Overall, most people defined childhood in non-chronological terms that emphasized dependency, having limited responsibility, being of small physical stature, not being married, or having child-like behavior or limited cognitive abilities. When people used a chronological definition of childhood, they varied widely in their views regarding the ages of children.

The main harms to children that participants identified were out of school children, sexual abuse and exploitation, and early pregnancy. Other frequently mentioned harms were: alcohol and drug abuse, poor parenting (e.g., parents neglecting children, not providing basic needs, not sending their children to school, and not being good role models), negative influences (e.g., video halls, mobile phones, pornography (i.e., movies with sexual content), heavy labor, and child beating). The latter referred to excessive beating, as most parents and even teenagers saw child beating as necessary for teaching discipline and obedience.

Child rights was also reported as a harm to children. Additionally, the introduction and enforcement of child rights was reported as one of the causes of early pregnancies of children. The quote below illustrates the frustration of a father from a rural area about the government's imposition of child rights as it related to his daughter:

My daughter got pregnant in class 5 [primary school--children in class 5 are approximately 10-11 years of age] and she gave birth at home. Because the law demands that when children get pregnant they go back to school, she went back to school leaving us with the small child at home. When she reached class 6, just after one year, she got pregnant again. After giving birth, I said I am not taking her back to school again because that is where she is getting pregnant. The children's office and the police intervened and forced me to take her back to school. They were going to arrest me, so I was forced to take the child back to school. When she reached class 8, she got pregnant again, and gave birth at home. So you see that the Government is encouraging children to get pregnant by saying that they have a right to go back to school. These children are also not worried about getting pregnant because they know that they have parents who will take the burden of taking care of their children. (Man, group discussion, Kilifi)

Many parents in the community saw the introduction of child rights as taking away their ability to raise children who were obedient, respectful and had good behavior, qualities the community saw as important for children's well being (Kostelny, Ondoro, Wessells, 2014). By not having consequences for engaging in sex, girls were modeling bad behavior to their peers, increasing their exposure to HIV/AIDS, and endangering their fellow classmates to HIV when they returned to school.

As in the Sierra Leone example, parents felt burdened by having to care for extra children resulting from the pregnancies, which caused strife between the parents and reportedly led fathers to abandon their responsibilities of providing for the girls. The traditional way of responding to a pregnancy was for the male responsible for the pregnancy to marry the girl.

Some give birth to even 5 children and are still at home. Parents feel “utsungu” [bitter] about the situation. They say it’s better you give birth to one child at home, then you get a husband, because it’s a burden to the parents caring for the baby. This will make parents not to be happy and it makes parents misunderstand each other. They quarrel, and fathers refuse to take responsibilities because they feel even the other children will misbehave like her. (Young woman, In-depth interview, Kilifi area)

An important finding was that families and communities were the first line of response and did the overwhelming majority of the work on responding to harms to children and also preventing them. In response to a teenage pregnancy, for example, families brokered a compromise in which the boy who had impregnated the girl married the girl, who dropped out of school, and provided for the family. If a child were out of school due to inability to pay school fees, the mother went to school and “pledged” to the headmaster that she will pay the fees later. Usually, the headmaster accepted the child back in school, but if not, the mother borrowed money from the community women's savings and loan association. After the mother had paid the school fees, the child was admitted back into school.

These family and community mechanisms also had conspicuous limits. For example, dysfunctional families headed by an alcoholic father typically did not support a child who was out of school to return to his or her education. Most often, such children looked for work and got married. Similarly, being in school tended to be a preventive factor at the community level that

prevented harms to children. Yet in some schools, teachers sexually abused students. Despite these limits, people used the formal aspects of the child protection system only if the family or community processes had been used but had not achieved the desired results. Even in cases such as the rape of a child, people preferred to use nonformal, community processes and were reluctant to report to the police since the perpetrator could often bribe his way out of the situation.

An important finding was that child rights were not consistently upheld and were even seen as problematic by the authorities who were supposed to protect and promote those rights. A minority of authorities (whose identity is confidential) noted that in the past, before child rights had been taught to local people, girls who became pregnant were unable to go to school. Viewing this inability to attend school as a deterrent to girls becoming pregnant, they saw child rights and associated Kenyan laws that empowered pregnant girls to attend school as tacitly encouraging girls to become pregnant.

The law says that they should give birth and go back to school. This 'haki za watoto' [children's rights] is a big challenge. Though majority of these children feel shy to go back to school after giving birth and they end up dropping out, but most of them don't fear getting pregnant because the law protects them. (Key informant, Kilifi area)

But I will say again that this 'haki za watoto' have contributed immensely to this issue of early pregnancies. Nowadays these children don't fear getting pregnant, they know very well that they will give birth and go back to school and there's nothing that parents can do to them. (Key informant, Kilifi area)

Other formal system actors saw child rights as having undermined people's ability to discipline children using methods of corporal punishment.

Before, we used to tell the parents to beat them thoroughly, but today that is not possible because of this 'haki ya watoto.' The children's rights people are on our neck and so many children nowadays know their rights, you don't just beat them like that... You might find yourself in court and losing your job. So what we do is that we just counsel them. (Key informant, Kilifi area)

This is not to say that all local authorities are opposed to child rights. In fact, most Chiefs and AAC members said that they taught people about child rights and monitored and supported those rights. However, the fact that even a few authorities expressed negative views of child rights is concerning.

Implications

These findings, which follow a pattern similar to that observed in Sierra Leone, indicate that a significant gap exists between the formal system of child rights that is enshrined in Kenyan law and the CRC and the views and practices of local people. For example, Kenyan law (e.g., the 2013 Marriage Bill) prohibits early marriage as a heinous violation of child rights. Yet the participants in this study did not identify early marriage as a harm to children, and early marriage continues to be a strong social norm in many areas of Kenya. Similarly, the circumcision of girls continues to be done in various areas (UNICEF, 2013), although it is prohibited under Kenyan law.

Divergences between customary practices and national law occurred also in regard to child protection practices. Although Kenyan national laws prohibits corporal punishment of children (e.g., Article 29 of the new Kenyan Constitution), child beating was viewed locally as

an essential means of protecting children. Parents frequently used child beating and threats of beating as a means of keeping children in school and giving them a disincentive for engaging in “bad” behavior such as going to night time events where children frequently drank alcohol and engaged in sex. So strong were these local norms of corporal punishment that even people within the formal system (e.g., Chiefs, elders, and teachers) who were supposed to be the protectors of child rights, frequently used child beating as a means of disciplining and protecting children.

The gap between child rights and local practices was also evident in people's strong tendency to use nonformal means of responding to harms to children. This finding is consistent with the increasing consensus about the importance of family and community-based child protection mechanisms (African Child Policy Forum et al., 2013; Child Frontiers, 2010; Davis et al., 2012; UNICEF et al., 2013; Wessells, 2015). It is also consistent with the results of the Sierra Leone case study above.

The finding that even some authorities who were supposed to protect child rights had concerns about them indicates that people in Kenya, particularly authorities who have been trained on child rights, have a leg in each of two worlds--the worlds of tradition and modernity. Life in the traditional world is guided by values such as respect for authority and adherence to customs and cultural norms that may or may not be consistent with child rights. According to the cultural theory of human rights (Moghaddam, 2000; Moghaddam and Riley, 2005), a difference exists between normative rights, defined as "rights that are informal and unwritten, but legitimized by norms, rules, roles, and other aspects of the normative system of a culture" (Moghaddam, 2000, p. 292) and legal rights. Traditional values and duties are usually taught by parents and other local authority figures, and those values and duties are seen as important for protecting children as well as promoting social harmony. Yet they may not be consistent with

legally defined rights or with international human rights standards such as the CRC. For example, parents frequently see early marriage as a means of protecting their daughters from being sexually abused and thereby becoming unmarriageable. In contrast, modernity is undergirded by Enlightenment values such as individual freedom and autonomy, and its practices are expected to conform with universal human rights standards and national laws aligned with those rights. Modern, presumably universal values are frequently introduced by NGOs, social media, films, and various other carriers that young people find engaging.

It would be a mistake to view these worlds as somehow sealed off from each other. Traditions are not pure and unchanging but continually interact with and are changed by aspects of modernity such as its physical accoutrements (e.g., mobile phones) and its values (e.g., materialism, secularism) and practices. Not only do traditions change over time but also individuals within a cultural context make decisions about how to navigate and negotiate these two worlds. In contexts where Government presence is relatively low, social cohesion is relatively high, and traditional norms are relatively strong, people may have a preference for more traditional values and practices. Even if they learn about child rights, they may not internalize them or adhere to them fully, particularly when they conflict with local norms. In other contexts, however, traditions may be relatively weak, and/or people may have been educated in ways that lead to the internalization of modern values and practices (Ahmed, Al Hebshi, & Nylund, 2009). In such contexts, people may embrace child rights and come to view traditional practices such as early marriage and female circumcision as harmful. That this process of internalizing national law and international values and standards has not occurred fully in the areas of Kenya that were studied is perhaps surprising. After all, Kenya has been the site of extensive work to combat HIV and AIDS and to implement Western style laws. The grip

of traditional beliefs and practices in Kenya is testimony to the power of traditional values, identity, and social organization and also to the slow pace of change in regard to traditions. In such contexts, it is not surprising that some people, such as the authorities discussed above, may be ambivalent, as they are caught in between these conflicting worlds. In general, they may be child rights supporters since they had been trained on child rights and have a position that demands that they support those rights. Yet, feeling the pull of cultural norms and beliefs, they may regard child rights and modern practices such as allowing pregnant girls to attend school as supporting bad behavior and as failing to protect them. Because of their ambivalence, their support for child rights may be contextual. Such individuals likely express strong support for child rights in their official functions or when their line managers are present. However, they may lean toward traditional views when they talk with people who are known to support traditional views. This ambivalence involves more than the social convenience of saying different things to different people in order to please them. It is also a heartfelt internal struggle and an incomplete or ambivalent internalization of child rights. At stake are people's values, identities, world views, and moral sensibilities.

Toward Internally Guided Social Change

Both of these case studies indicate that a clash of cultures--the universalized culture of child rights and the local culture of the particular sociohistoric setting--challenges the effectiveness of current approaches to introducing and promoting child rights. The limits of currently used top-down, didactic approaches are evident in their limited effectiveness in enabling people to internalize and fulfill their obligations to implement child rights. In both country case studies, child rights continue to be trumped by cultural practices. Perhaps this is to

be expected since cultural practices have deep roots, and it difficult for people to break out from cultural norms since they fear censure or social isolation.

It is also possible, however, that the problem lies in the approach used to introduce and promote child rights. The fact that in both countries, particularly in Sierra Leone, there is backlash against child rights suggests that the approach used to teach or encourage them is flawed. As discussed in the first case study, the problem may be the widespread use of top-down, didactic approaches that impose outsider values and leave people feeling disrespected and disempowered. Such approaches risk making child rights education a neocolonial enterprise. Although there are constructive ways to manage this clash, the current approach being used to introduce and implement child rights is not among them. In short, something is wrong in the way we are teaching and implementing child rights.

An approach that is more appropriate and more likely to be effective is a social norms change approach (Ahmed et al., 2009; Dagne, 2009). This approach views the introduction and promotion of child rights as a process of internally guided social change. Evidence from efforts to end harmful practices such as female genital mutilation (FGM) suggest the importance of having the process be driven by social change agents who are respected in their communities and understand the local power dynamics, modalities of communication, and practical ways of exerting social influence while minimizing unintended harm. These local people collaboratively develop strategies for enlarging the dialogue and enabling action consistent with child rights. The role of NGOs or governments is to support the change agents by giving them useful information and helping them to spread key messages and enable dialogue among people who are open to new ideas and ways of doing things.

An example of such internally guided social change in support of children's well-being comes from Sierra Leone, where the ethnographic research described above set the stage for participatory action research (Wessells, 2015). The ethnographic findings were fed back in oral form to the communities, which validated the accuracy of the findings. Group discussion and reflection on the findings led the communities to ask what they themselves could do to address the harms to children. This reflection helped to build a sense of community responsibility and empowerment and to stimulate collective desire to take action.

To choose a course of action, clusters of three communities worked together over a period of nine months, examining which harm to children they wanted to address in collaboration with government actors. Supporting the communities were trained facilitators who lived in the communities and enabled dialogue and reflection about the priority of various harms, and what practically could be done to address them. A key part of the facilitators' work was to help communities to include the voices of people such as children with disabilities that were frequently marginalized in community discussions (Wessells, 2015).

In addition, the facilitators helped to enable discussion of diverse points of view and to manage conflict in a constructive manner. For example, teenage girls and women wanted initially to address the problem of teenage pregnancy because girls who became pregnant frequently were unable to feed their children and had to engage in sex work in order to support them. Also, approximately one-third of the pregnancies stemmed from sexual exploitation and abuse. The use of contraceptives was part of the approach to reducing teenage pregnancy. Elder men, however, argued that this approach would corrupt the morals of young people. Without taking sides, the facilitators continued to invite diverse views on this question. Elder women argued that girls were continuing to become pregnant and were being harmed as a result and that

it was a collective responsibility to protect the girls from teenage pregnancy. Over time, the elder women's argument won out. The elder men agreed that it was a priority to address teenage pregnancy and that it was better for girls to use contraceptives than to not use them and become pregnant out of wedlock.

To reduce teenage pregnancy, communities developed an intervention that included a combination of family planning, sexual and reproductive health education, and life skills (such as saying "No" to unwanted sexual advances). NGOs such as Marie Stopes and Restless Development trained groups of adolescent Peer Educators who had been selected by their communities to help address teenage pregnancy. Following the trainings, the Peer Educators and other teenagers conducted community dramas and discussions as means of reducing teenage pregnancy. Often these dramas included contrasting vignettes that were designed to promote awareness and spark discussion. In one drama, a teenage girl and boy felt an attraction for each other, went to the video hall and smoked marijuana, and had impromptu, unprotected sex. As a result, the girl became pregnant and dropped out of school, and she subsequently engaged in sex work to support her child. Next, the same two adolescents performed a vignette in which the girl and boy felt an attraction and discussed their dream of getting an education. Asking what could block the fulfillment of this dream, they identified teenage pregnancy, which they vowed together to avoid by using contraceptives. The two went on to complete their education and enjoy a happy family life. Such dramas stimulated energetic discussions that, over time, engaged most people in the communities.

Peer to peer messaging was also an important part of the intervention. The idea was that teenagers know how to influence each other more effectively than most adults do. In one community, teenagers developed and frequently used the message "5920" in talking with each

other. It meant that for 5 minutes of pleasure, 9 months of pregnancy follow, 2 people drop out of school, and they have nothing in terms of a promising future. Adult-child and child-adult messaging was important as well. Parents spontaneously decided to talk with their children about puberty, sex, pregnancy, and pregnancy prevention. To their amazement, they found that their children were often better informed on these issues and were less prone to myths that held, for example, that the use of condoms made it difficult to become pregnant subsequently.

Over a period of a year and a half, this community driven intervention yielded promising results, chief among which was a reduction of teenage pregnancy (Wessells, 2015). In addition, there were significant improvements in community-government collaboration on reducing teenage pregnancy. Importantly, community people took ownership of the intervention and did not view it as an imposition or the project of an outside agency. Rather, they viewed it as their own means of promoting children's well-being. Although the intervention was disrupted by the Ebola crisis, it offers a different approach to promoting children's well-being. Instead of the rapid action guided by child protection specialists, it features a slow process of dialogue and internally guided social change. It also illustrates the value of bottom-up approaches to strengthening child protection systems, which complement the dominant, top-down approach. Together, the findings presented in this chapter indicate that it is time for a change of approach in how we promote child rights. If we want to make child rights a reality, we should limit the use of top-down approaches at grassroots level and emphasize internally guided processes of social influence and social change. Making this change in our own behavior offers us the best chance of fulfilling our collective obligation to protection the rights and well-being of every child.

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