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Defence for Children International-Canada: "The Voice of the Child"

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In preparation for this journey to South Africa, I read Nelson Mandela's book "Long Walk to Freedom" and Archbishop Tutu's book: "No Freedom without Forgiveness". I was profoundly moved. I wished that I had done more in Canada as part of the struggle for human rights. So at this time, I would like to dedicate my remarks, if I may, to the children of South Africa.

Today I would like to tell you about ***Defence for Children International- Canada and the Voice of the Child***. There are many children's voices and many voices for children, but often they are not heard. It is one thing to preach respecting the voice of the child, it is another thing to put it into practice. Making it happen, is the difficult part, even in Canada, a country recognized by many to be democratic, wealthy and committed to children. I will give examples of DCI's work and what this means for a child or a young person:

- Who is unable to speak
- Who is in the care of the state
- Who is incarcerated and takes his own life
- Who speaks as a peace builder
- Who works restoring the peace

All of us have been a child. Can you remember when you desperately wanted to say something, but felt that your voice was too small? Do you remember a time when a decision affecting your life was made and no one, not an adult, a teacher, a court, or your country asked you about it? Can you remember when you spoke from your child's heart of hearts and no one truly listened?

The crafters of the *UN Convention on the Rights of the Child* must have felt very strongly that children's voices should be heard, because they included *Article 12* in the *Convention*. It says that the child shall have the right to express his or her own views freely in all matters affecting the child. The *Convention* was approved in 1989 and ratified by Canada in 1991. DCI-Canada believes that the right of the child to be heard will help nobody, until the child knows it is available. The right of the child is useless, unless there is somebody to listen.

What is Defence for Children International?

DCI-Canada is part of Defence for Children International, a world wide movement for the human rights of children. It was established in Geneva, Switzerland in 1979. Our 27 national sections work to support the implementation of the *Convention on the Rights of the Child* and to make it real in the lives of children.

DCI-Canada is a modest N.G.O. which began in June 1989. We have intervened on behalf of refugee and immigrant children, and have championed the rights of young people to be heard in matters which affect their lives. We have collaborated with other international NGOs, with government agencies and with some extraordinary people. We have made private troubles into public issues. We work primarily in Canada as a group of volunteers. Our only paid employees are those we contract with because of their special skills and expertise in projects that we support abroad.

Now, I will share some of our stories of the "Voice of the Child."

First, the child who could not speak: Daysy Moyano

On June 16, 1997 a social worker notified DCI that there was an arrest warrant for Gladys Moyano. In 1988, Gladys entered Canada from Argentina and applied for refugee status. She had been jailed during a teacher's strike and her parent's house was blown up, killing her mother, brother and sister. In 1993, her daughter Daysy was born in Canada. She was blind, had heart and respiratory problems and daily seizures. When Gladys' refugee status was denied, she was ordered to leave Canada by April 12, 1996; then a deportation order was issued. She appealed, based on humanitarian and compassionate grounds, but this was denied. Her doctor said that Daysy was too fragile to travel and without her mother, she would lose her primary caregiver and would require permanent hospitalization costing \$12,000 per month, but the immigration minister still ordered her deported. Gladys said: ***"I am her mother, I cannot leave her"***.

DCI swung into action. We saw this as a flagrant violation of the *Convention*. Canada was the only commonwealth country which did not require consideration of the best interests of the child in its immigration proceedings. DCI wrote letters to the Minister of Immigration, the Prime Minister, the leaders of the other parties, and to social agencies and the media. We held press conferences, attracted many newspaper articles and editorials and held candlelight vigils at Gladys's church. Our press statement said:

"The Convention is just a document but it is a promise of hope from this relatively comfortable, safe and organized world to many children who live in fear and desperation, even in Canada. To some it is a matter of life and death... to Daysy Moyano... It took many years to come to the realization of the UN convention. Some of us can't sit down and watch the children and young people who are suffering from the refusal of adults to respect the Convention. ...The Convention is an important document in the history of children's rights. But it should also be keeping kids alive..."(Les Horne, 1997)

On June 27, 1997 the Minister of Immigration stayed the deportation order, until the review was completed. Our intervention was successful, on behalf of the child who had the right to be heard, but who could not speak. Gladys Moyano is now a landed immigrant and Daysy her much loved child, is with her.

Now I will tell you about,

Stephanie Jobin: The child who was in the care of the state, and died
Stephanie Jobin was a 13 year old autistic girl who lived in a group home. She died in June 1998, after two workers sat on her back on a beanbag chair to restrain her. In November 2002, at the inquest into her death, DCI applied for standing as a special interest group. Although our application was opposed by many, our lawyer persisted and finally the Coroner gave DCI standing. This ruling established a precedent that acknowledged the value of the voice of affected young people.

Twenty-six youth participated in DCI's Youth in Care committee and two were witnesses. In our lawyer's statement to the jury, she said:

“ When you represent survivors of the system, you are often met with the comment: ‘ I just hope they know that they can’t be too radical’. It is kind of ironic. My experience is that those who have been systemized become amazing negotiators and skilled advocates... They seem to know just what to ask for, even if it falls short of what is deserved. Our crew became devoted inquest followers. The choice of witnesses and the crafting of recommendations was a group process; with each decision receiving full discussion...It was an important demonstration of what meaningful participation by children and youth means.”(Suzan Fraser, DCI newsletter 2003)

This group of young people, many of whom had been physically restrained in Ontario's care system, acted to show the jury that Stephanie Jobin did not have to die following a restraint. The jury brought down recommendations to radically change how services can be delivered to children with disabilities. DCI acted to strengthen the voice of youth.

And now, **David Meffe: A youth who was incarcerated and took his own life**
Sixteen year old, David Meffe took his own life in a cell in the Toronto Youth Assessment Centre (TYAC), in October 2002. He had been detained on theft related charges. Again, DCI believed that young people had a right to speak. We organized the Youth Justice Action Group (YJAG) and received standing at the inquest, in January 2004.

Our lawyer directly represented the youth group. Addressing the jury, she said:
“I represent the Youth Justice Action group of Defence for Children International. DCI believes that the voice of young people must be heard in all aspects of their lives. This means participation in the legal processes that affect them- a right articulated in Article 12 of the UN Convention on

the Rights of the Child....The YJAG was formed to participate in this inquest so that the jury might be assisted with the perspectives of young people...Two thirds of the group had been detained in youth facilities in Ontario and ...one half of the group were survivors of TYAC. They survived the harsh realities of the custody and faced daily attacks on their self esteem and dignity. They are free to speak out because they survived. They feel obligated to speak out because others don't...The recommendations are their product- they are truly the voice of young people. We ask that you give effect to them so that the voice of young people rings out loud and clear to all partners in the youth justice system. They believe that David Meffe did not have to die. "

The YJAG gave 25 recommendations to the jury and the jury made 40 recommendations, the first of which was to close TYAC immediately. It is now closed. The interesting outcome was that the voice of youth was the most powerful of all in the Meffe inquest. DCI's role was one of catalyst. Youth participation gave practical results to *Article 12*. We do not know of any previous occasion in Canada, when a youth group had a lawyer representing them at an inquest.

And now, some examples of our international projects:

"Children as Peacebuilders" (CAP)

In many countries in the world, children grow up with the sights, sounds and smells of war as part of everyday life. Generally, young people are seen as dispensable and their needs and rights don't matter. It is hard to understand human rights in a world where they do not exist. It's hard to speak of democracy to youth who have few concrete experiences of it. Young people who survive by the gun can be reluctant to relinquish this power or recognize the merits of equality and respect for others. Given this reality, it is surprising that many young people are eager to work for alternatives for themselves and their countries.

In early 2000, with funding from the Canadian International Development Agency (CIDA), DCI in partnership with Linda Dale of *Cultural Connections Canada* established the *Children/Youth as Peacebuilders (CAP)* project. The project is based on participation, equality and respect for human rights and is a joint venture with children, youth and adults. Local peace building initiatives are combined with regional and international consultations.

In September 2000, the CAP project participated at the international conference on **War Affected Children in Winnipeg, Manitoba**. There were over 800 delegates from 132 countries, including 50 youth; 26 of whom were from 16 war affected countries. This was one of the first conferences of its kind to include young people as full delegates. Even though the *Convention* had been ratified over 10 years ago by all countries, except the US and Somalia, *Section 12* had been the most difficult right to realize. Selected young people from the CAP

Project attended and the CAP director coordinated the activities of the international youth delegation. The youth spoke from experience and of practical solutions. They said:

“We speak to you as young people with the experience of war...We have been abused, tortured and raped. We have witnessed brutal murders and have been abducted and separated from our families. Some of us have fought in wars against our own kin...War destroys everything- our childhood, our schools, our homes, our families, our communities, our jobs, our health and our souls... We need to rebuild all of these things to create healthy communities. On our journey to peace, we need long-term support and assistance. Beyond simple survival we need individual, family and community healing. This means promoting cultural and social activities that teach our communities to work together.... We want local people to lead the development, but we need access to skills, knowledge and tools to improve the economies of our communities...” (Youth delegate, closing statement pp 56-58)

This conference was a highlight for the youth, but the country projects continued to develop and will continue until May 2005. Currently there are projects in Angola, Burma, Cambodia, Columbia, Guatemala and Uganda. While there are many stories to tell, I will focus on a few examples.

First, an example of **Research and Advocacy representing displaced people**. The youth at Taller de Vida in Colombia, with the guidance of a professional theatre director created a play about the experiences of displaced families arriving in Bogota. The students collected their life stories and used drama as a vehicle for reaching others and giving them hope for the future. Carlos, an actor said: ***“In this war there are two groups of people who are hurt by the war. Many people are displaced because their land is taken from them or because they flee the violence. Then there are others- those who work for the community. They get killed. ...This is what happened to my family. ..For me to tell the story of my family in this way helps people to understand this. .My brother died, but I’m not going to die. I want people to understand what we must do to get over these obstacles, not to drown in the sorrow of it. Theatre and video is what you can use to put outside what is inside”*** (Children as Peacebuilders Resource manual pp 115-119)

An example of **Reconciliation: Celebrating Peace in Huambo, Angola** After the end of 30 years of war in Angola, it was important for youth to make commitments to peace. MOJUP the youth movement for peace worked with other youth groups and organized a five day peace event. They held a major youth conference with 350 youth, a peace rally in the town square and religious services and community rallies for peace. The young people said that it is important for them to celebrate peace. It is about every day actions, enjoyment of

life and respect for others. Public events where these values are enjoyed helps establish connections and commitment to a peaceful way of being.

A Youth Drama Project in Gulu, Uganda: A special youth drama group was created with members from five high schools in Gulu Town. This group wrote a script and produced a play, which has been performed to large audiences in displaced person's camps and schools in the area. Through the eyes of child soldiers, the play addresses issues that are central to the peace prospects in northern Uganda. It invites villagers to see the actions of the LRA that have torn apart villages and divided neighbors. While it demonstrates that youth understand the complexities of the history and the source of the bitterness, it also calls for forgiveness from those who have the most to forgive- the young people who have been both the victims and the unwilling participants in this war (p.128).

Young people give voice to their world in many different ways. They said:

“As young people, we have distinct ways of seeing, understanding, representing and interacting with our world. We think with our hearts as well as with our minds. Our lives are very much at ground level and so we participate in activities that are often not part of adults’ lives. We like to laugh and have fun, to find ways of enjoying our lives even in situations that deny us happiness. As young people we have potential for certain kinds of actions and limitations with others. ...to work effectively for peace means that all the special variables of the effects of war and the consequences must be taken into account. (Manual p.58)

In early March 2005, CAP representatives from five countries met for a week, in Canada. The group decided to formalize their peacebuilders network, independently from the CAP project, and to continue their work as peacebuilders, in their own countries and collectively.

And our newest project, ***The “Restoring Peace” Project***

In December 2003, DCI received CIDA funding to establish our *Restoring Peace* Project, which continues until 2006. The youth named the project “*Restoring Peace*”, saying that it is first, something inside you. Our projects will take place in Angola, Burundi, northern Uganda and an intercountry project managed from Kenya. While there are differences unique to each country, what is common is that young people are struggling to survive and lead productive lives. They want to have an independent voice, but in collaboration with adults.

DCI's projects in these post-conflict countries will focus on three main areas:

1. Gender issues and the specific problems of girls
2. Promotion of youth citizenry
3. Regional networking, capacity building and advocacy to uphold young people's needs and rights

On **Gender issues**, a girls' discussion group in northern Uganda said:

“It is different for boys and girls when they are coming back. The boys come back without children. But we all have children from our time with the rebels. They are our children, you cannot leave this child, and she is yours. But if you want to start at new life ... you will always suffer because of this child. And the child will suffer too... because of your past in the bush.”

Some of DCI's work with girls in Burundi and northern Uganda will include:

- direct service assistance through cooperative micro-finance projects
- advocacy through legal actions supporting girls rights

To promote **Youth Citizenry**, some of the project plans include:

- regional leadership workshops on human rights and good governance
- youth initiated community projects with activities that uphold young people's rights

Often war dismantles networks and can create antagonistic single interest alliances where the rights of young people are neglected or violated.

One African NGO representative put it this way:

“...we need to learn from each other – today's country boundaries cut across regions that have traditionally had alliances. So, for Africa it makes sense to think and create ideas regionally, with respect for country specific considerations ... We recognize that Africa cannot live in isolation from the rest of the world. Part of this must include dialogues with the North so that together we can create a strategy that meets the challenges of the global economy without sacrificing who we are as a people. Fundamental to this is the involvement of youth – the contribution of their ideas; to help build their capacity as advocates for their rights as youth of today and as future leaders of our countries. Because of the effect of long civil wars, this has to be done in a deliberate structured way – it is a strategic moment. Yes, it is a risk but we know the past, we know what will happen if we do nothing.”

To further the objectives of **regional networking, capacity building and advocacy**, some of the project's plans include:

- regional workshops with youth and African experts to share experiences, deepen understanding and analyze relevant issues
- learning circles to identify African traditions of healing to assist young people affected by war

Our project attempts to uphold *Article 12* of the *Convention*, the right of young people to participate directly in peacebuilding within their families, communities, countries. The title of the project, *“Restoring Peace”* is important, because it emphasizes that its ways of working are just as important as any results that it may achieve. If young people are to be integrated into post-conflict societies and are to develop their understanding of responsible citizenry, it is important for

them to understand that they have both entitlements and obligations. The exercise of their rights is part of the creation of a society that respects and recognizes human rights.

So, that is the extent of our work in these African countries, with war affected children and youth. That is as far as we have come. The next year will bear the fragile fruits of some of the seeds that have been planted. The children, young people and the adults who surround them will be responsible to nourish the seedlings to grow strong and healthy. They will be the active participants in the voice of the child.