



The UN Convention on the Rights of the Child and Social Education

– children placed outside the home



Publication: AIEJI,
International Association of Social Educators

Print: Socialpædagogernes Landsforbund,
Denmark 2012

Contents

1. The child perspective and the perspective of the child

In this chapter, the view upon children and perspectives of children in the work with children are discussed. What is a good child life? How are marginalised children and youth viewed?

Page 7

2. Central articles of the UN Convention on the Rights of the Child

In this chapter, central articles of the UN Convention on the Rights of the Child are introduced: protection, development and inclusion understood as principles and rights that social educators and placement homes must implement in the daily social educational practice.

Page 11

3. Children's participation and the role of the social educators

In this chapter, the Ladder of Participation is introduced as a tool to analyse the level of children's participation in society. It is followed by the presentation of 14 recommendations to an effective child protection system composed by a Swiss group of researchers and an example from the Danish legislation aimed at strengthening the children's rights and protection of their interests. At the end of the chapter, social educators' specific competencies as guarantors and enablers of children's rights are emphasised.

Page 16

4. A better everyday life

In this chapter we discuss the everyday life at the placement homes and similar facilities as they develop their own institutional life with routines, rules and behavioural patterns which emerge and with time can limit the options of the children and youth living there. The chapter concludes with an example, from Italy, of life in residential care centre.

Page 22

5. Themes – dilemmas and challenges

This last chapter is a concluding discussion of the convention set between ideals and conditions of reality. What can the social educator do, which dilemmas and restrictions does she face? The chapter ends with a number of questions to be discussed at the workplaces.

Page 28

Children's Eyes

What kind of world is it my friend
the little children see?
I wonder if they see God first
because they just believe?
Do they see strength in caring eyes
who watch them as they play-
or maybe love through gentle hands
that guide them on their way?

Do you think they dream of future times
when they would be king-
or just enjoy their present life
while with their friends they sing?

Do they see the acts of kindness
done for people who are poor?
Is the very best in everyone
what they are looking for?

And when the day is over,
as they close their eyes to sleep,
do they look forward to tomorrow
with its promises to keep?

If this is what the children see,
then it should be no surprise,
the world would be a better place
if we all had children's eyes.

Tom Krause

Introduction

The UN Convention on the Rights of the Child is the children's constitution. In 2009 it celebrated its 20th anniversary and most countries have now ratified it. In 2010 and 2011 the UN's Child Committee had the State Parties sit for examination. The committee examined to which extent the State Parties have implemented the convention and controlled whether they fulfil its intentions. The committee has different demands to each country depending on the status of their work with the convention.

The Convention on the Rights of the Child does not only live in obscurity in most national legislations and administrations. Also, very few children are aware of its contents and the convention is therefore not of much importance to them. This, in particular, affects children and youth at risk. If the UN's child convention is to come out of obscurity, professionals working with and being responsible of children and youth must commit themselves to using the convention openly in their everyday practice.

Exposed children are children from families at risk, children and youth with tough backgrounds growing up in families with complex issues – children and youth whose development is in jeopardy. The child convention establishes the entitlement of all children to enjoy certain rights: to develop, to be protected from any kind of harm or abuse and to be included in decisions, actions and developments happening at home, in school and society.

With this document, AIEJI, the International Association of Social Educators wish to ensure the child convention has a legitimate role in social educational work around the world. In AIEJI we have a vision that the profession

as a whole and the men and women working in the field will implement the convention and make use of its principles in their daily social educational work practice with vulnerable children and youth. To use the convention actively in the daily work implies a social political and ethical responsibility to render the situation of children and youth visible when their rights are violated.

The focus of this document is children and youth placed outside the home. Children and youth who face social problems and troublesome circumstances in their upbringing. The most vulnerable children, placed outside their homes and customary environment.

The message is that

- children's rights, as they are expressed in the UN Convention on the Rights of the Child, should be incorporated in all national legislations and administrations
- children placed outside the home must by law be ensured their rights during the placement
- all national administrations should have a children's ombudsman who can monitor the implementation of the convention
- all professionals responsible of children and youth are obliged to comply with the convention and use it in their daily practice
- the educational institutions must ensure that the students know the rights of the child and gain the necessary competencies to fulfil these rights.

The document poses a range of questions that we hope you and your workplace will take time to discuss. We are sure the debate will strengthen and develop a stronger professionalism in the work with children and youth.

1. The child perspective and the perspective of the child

In this chapter, the view upon children and perspectives of children in the work with children are discussed. What is a good child life? How are marginalised children and youth viewed?

The child perspective

The development in the view on children has happened on the basis of ideological, theoretical and judicial changes that all have an impact on the social educational work with children and youth at risk.

The child perspective can be perceived in different ways and have a double meaning. The researcher, the social educator, and adults in general, seek to reflect a perspective they are not part of. While the child, who is part of this perspective, normally doesn't engage in portraying or reflecting it.

Thus, the child perspective can be seen as the adults' attempt to understand thoughts and feelings of the child which it may have about itself and its life.

Methodically this results in two challenges. First, the child is central, not only as a studied object but also as a subject – as an actor and expert of his or her own life. Second, the social educator, when trying to understand the child, must employ various interpretations and analyses of what the child says and does.

The perspective of the child deals with the child's own perceptions and ideas, its own stories.

The child perspective is the adults' attempt to understand thoughts and feelings of the child which it may have about itself and its life.

The way adults perceive, describe and interpret the child determines how we view and act in relation to the child. Perceptions related to science, and theories that give a static and pre-determined view of the child's development, give the child a passive role and may contribute to reducing the contact with the child. In contrast, viewing the child as an actor will grant the child an active role in his or her own development while also strengthening the rights of the child.

Theoretical positions

The way we choose to perceive children and childhood depends upon which scientific standpoint we have and which tradition we relate to.

Many people claim (Corsaro 1997, Qvortrup 1994, Prout 2005) that the child and the child perspective have been absent or incomprehensive in many professions, scientific schools of thought and planning of society. The low priority of children in society can be understood from a perspective where childhood is seen as the first part of a transition. In this view, the adult world appreciates children and what they do from a perspective that sees children as preparing themselves to be adults. From this position the inherent values, experiences and childhood rights are under threat and children become a marginalised group of society. The child's own actions, in the act of play or through contributions at school, are not valued or accounted for as part of society's total operations.

Criticism of how psychology and sociology view children

In developmental psychology, theories of maturing, needs and developmental stages have affected the perception of the child and are strongly influenced by Sigmund Freud, Erik H. Erikson and Jean Piaget. These theories are universal and portray the child as unfinished and immature.

Theoretical schools in psychology on child development have been based on two central models. One is biological and views the development as a natural maturing process. The other is founded upon how factors, such as pre-mature attachment to objects or unconscious defence mechanisms, in early childhood have great impact on a child's development. Both schools represent schools of thought where the child only to a limited extent contributes to its own development.

Certain schools in traditional psychology theory lead to certain approaches in social educational practice. A

diagnostic approach which focuses on unprocessed experiences during childhood has often been central and theories of psychology have only to a limited extent incorporated the inherent value of being a child. In sociology, the most dominating idea has been that of socialisation. Two schools of thought have been leading in perceiving the child as a socialised being, or a product of society. One believes that a child's identity is shaped by various influences from society. The child is internalised and adapts to norms and demands of society in order to become an adult. The other school of thought sees socialisation as something that happens while the individual, through interaction, struggles to become part of a group.

The focus, in sociology, on the socialisation process has been influenced by the perception of the child as a passive object that adapts to society, social norms and environment.

These traditional theories do not embrace the fact that a child is also an active part, that children are independent individuals who in various ways contribute to their own development. When a social educator talks with children and youth and asks them to reflect upon their own lives she must think of each child as an active individual and participant.

The development of children can be seen as a process of interaction between the child and its environment. It's a two-way influence, from the environment to the child and from the child to its environment. Bronfenbrenner (1979) was one of the first child researchers to oppose earlier research on children which he thought was influenced by positivism and rendered children and childhood out of sight.

So, in accordance with their inherent personality and life experiences, children will actively take part in constructing their own environment and conditions of life by choosing and creating environments that are consistent with one another and match the child's personality and character.

This is clear in the children's choice of friends, leisure activities, hobbies and the decisions they make in school. Schaffer (1999) claims:
«In each case, children actively construct their own experiences by determining which kind of environment

will give them the best chances of self-fulfilment. Thus, the environment is not an external matter influencing the child from the outside; it is an integrated part of the child's personality which, through the child's actions, becomes more and more integrated in the development process.» (1999:469)

This means that children's social development is an active process where the child actively chooses what works and doesn't work. Children assess, interpret and construct both social and non-social aspects of their environment. This standpoint perceives the child as an active individual facing a fundamental development process, which encompasses a multi-dimensional system of influences, where it is the child's responsibility to construct a self-concept and seek influence in its own life.

The way the child handles this job and responsibility is based upon early experiences the child makes about what it requires to be with other people. Through the personal relation and strong emotional bonds between the child and the caregiver during the first year the child receives information and makes its own experiences about inter-personal relationships – for example whether it can trust other people, how it achieves comfort and avoids rejection.

Notwithstanding the quality of care, most children will get attached to one or more caregivers. Children, who have developed behaviour patterns that display a disorganised or disturbed attachment behaviour, because they are not used to positive reactions to their initiatives and attempts of contact, are not only passive victims. They take action and their attachment patterns are understandable and functional given their problematic life situation.

A child's development into an active and social participant in everyday life

If you look at the child from an actor perspective, as an active participant in his or her own development process, it differs from perceiving the child's development as either biological or determined by external influences. Sommer puts it this way:
«On the contrary, development happens in the interactive process between actors. In other words, the competent child's relation to its social environment is characterised by action. The necessary personal relations that

development stems from will be built over time.»
(1997:30)

From this point of view we can claim that a child's development results from interacting with other people. This understanding of development is in opposition to the psychology theories that view the child as a passive receiver, and the socialisation theories that have adaption and shaping as their main ideas.

Stability in care and upbringing are paramount to a normal development of personal character.

Based upon research we can draw the conclusion that stability in care and upbringing are paramount to a normal development of personal character. Even in critical life situations it is unlikely that the child will suffer any harm as long as his or her environment is stable and certain routines are in place. Continuity and predictability can therefore be seen as a sort of protection and buffer when facing changes and instability.

Repeats and routines are not only characteristics of most children's family life but are also present in other arenas where children spend a greater part of the day, such as day-care and school. Development, social competencies and inclusion in society are built upon the child's everyday practice and its daily experiences.

Continuity and predictability are a sort of protection and buffer when facing changes and instability.

Recent views upon children and childhood

Many child researchers claim that a new paradigm, rooted in the 70s' growing political and scientific interest in children and childhood, has arisen. This development becomes clear when looking at the main issues at the time: children's rights and the UN's International Year of the Child in 1979, but also a focus on the mistreatment of children and sexual abuse. In various professions it was discussed how one can understand and develop the concepts of *child* and *childhood*.

An important school of thought in this development is that childhood, and the social relations and cultures of children, must be studied as phenomena in their own

right and not just as part of the adult world and way of perception. James and James (2001) say that the view on the child must be based on three premises: childhood is a social construction; children are, in themselves, worth studying as human beings; children are competent social actors.

The tendency, in the new paradigm of understanding children and childhood, is not focused on the history of childhood but primarily on today's society and the social life and activities that children perform and take part in. If social educators are to understand children as social actors they must see the child's activities as manifestations of different sides of the child. A child's development can be seen as both a collective and individual process where the child relates actively to his or her environment, everyday events and their interaction with other people.

Social educators must look into the child's active construction and reconstruction of its environment – rather than viewing the child's actions as adaptations to the environment. In this view, children are active creators of their own identity and thereby appear as independent subjects. Self-reflection and active participation are central characteristics of the competent child. Viewing the child as competent presumes the actor perspective.

The actor perspective, which claims that a child actively affects its environment, is different from the main idea which has dominated theories of sociology and psychology on children and childhood. Children were seen as passive participants in the adult world receiving inputs from adults. Studying and understanding how children behave in their environments, and interact in the various contexts they live in, requires a social educational practice that puts children as social actors in front.

This objective of social educational work requires a focus on children's attachment to their caregivers and close relations in everyday life as well as their contextual relations. From the actor perspective a child is perceived as an active subject interacting with its environment, affecting and being affected by others.

Childhood has been through many changes in post-modern society. Behind these changes are a range of factors such as individualisation, new arenas and

improved children's rights. At the same time, the view on the child has been influenced by the actor perspective which views children as both participating and competent in their own development processes. Children are viewed as actors, with their own set of rights, who interact with their environment and actively take part in their own socialisation and shaping of identity.

The competencies a social educator must have, in order to understand a child's life and the world it lives in and reacts to, in accordance with its own interests, involve

knowledge of children's rights, recognising children and youth as competent, and knowledge of how positive and sustained changes can take place.

Social education is based upon such competencies. Implicitly in social education is an ethical claim when interacting with children and youth. Relating to the child as a subject requires that you see the child's experiences and thoughts as the main base of the social educational work – when interacting with a world that is often based upon other perspectives.

2. Central articles of the UN Convention on the Rights of the Child – the function of social education and the role of social educators

In this chapter, central articles of the UN Convention on the Rights of the Child are introduced: protection, development, and inclusion, understood as principles and rights that social educators and placement homes must implement in the daily social educational practice.

The UN Convention on the Rights of the Child is the most ratified convention in the world. The State Parties have committed themselves to implementing the convention in their national legislations. A UN committee on the rights of the child follow the State Parties' execution of the convention. Every 5th year the State Parties must report to the committee which usually enquires additional information in order to shed light on the status of the implementation process.

The rights of the child

The United Nation's Universal Declaration of Human Rights declares that children have the right to special care and support.

The UN Convention on the Rights of the Child gives all children in the entire world equal formal rights. This goes for all children under the age of 18 no matter where in the world they are from. Children must be respected as active and independent individuals with the right to protection, development and participation in society and decisions that affect their lives.

The convention is based upon the principle that what is *in the child's best interests* shall be the main priority in all decisions concerning the child. This principle is encompassed in legislation, public planning, and other general initiatives as well as concrete decisions and actions such as placing a child outside the home.

The convention also contains an absolute right of the child to express its views in all questions and matters affecting the child.

The State Parties commit themselves to ensure:

- Children's basic rights: food, health, accommodation
- Children's right to development: education, leisure, play, information
- Children's right to co-determination: influence, participation, freedom of speech
- Children's right to protection: from wars, exploitation and abuse

Children have the right to special care and support

– *the UN's Universal Declaration of Human Rights.*

The *general principles* of the convention are that society shall ensure the best interests of the child in all actions concerning the child (Article 3). State Parties shall take appropriate measures to ensure that the child receives protection – including protection from all forms of discrimination (Article 2).

The principle of non-discrimination means that the day-care centre, the school, preventive arrangements and placement homes are obliged to adapt to the child's needs, its individual character and the values the child brings from its life world.

In Article 6 the State Parties recognize that every child has the inherent right to life and that the State Parties shall ensure to the maximum extent the survival and development of the child.

In Article 12 it is confirmed that State Parties shall (1) 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; (2) the views of the child must be given due weight in accordance with the age and maturity of the child.

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 or national law.

In the meaning of the convention the child is a fully fledged citizen of society and enjoys all *civil rights*. This is expressed through a series of articles about the child's right, from birth, to a name and a nationality and the child's right to preserve its identity (Article 7-8).

Children have the right to

- Express their feelings and points of views

-
- Seek, receive and impart information
 - Choose and practice their beliefs and religion
 - Join associations or participate in peaceful assembly
(Article 13-15).

The child must be protected from arbitrary or unlawful interference with his or her privacy, including correspondence. State parties shall ensure the child has access to information and material from a diversity of national and international sources (Article 16-17).

State Parties shall ensure that parents or legal guardians have the primary responsibility of the upbringing and development of the child. State Parties shall render appropriate assistance in the performance of the child-rearing responsibilities. The State Parties shall take all appropriate measures to protect the child from all forms of abuse committed by parents or others, to prevent all forms of abuse, and remedy the consequences when it has happened.

Children and youth at risk

Despite these assurances there are children and youth who are not doing well and for whom life could be better. Children who live under poor social conditions, in disharmonic families or with mentally ill parents; parents who use drugs or alcohol or are involved in crime. Children and youth with bad and unsuccessful experiences from school.

This kind of upbringing increases the risk of these children and young people getting an adult life marked by isolation and loneliness, mental illness and anti-social behaviour. A life with drugs, alcohol and crime.

Many of these children need an early, timely and consistent intervention if they are to be prevented from falling through, living a life on the side-line. An early intervention which reduces the risk that the problems will grow and give the children a life marked by troubles, lack of education and unemployment.

There are children who do well despite living under poor social conditions. Children who have faith in their own capability, who manage to cope with the complications they meet. Still, having access to support from the surrounding social network is crucial; this can be from a teacher, a sports coach, an uncle, a grandmother, the neighbours – a good friend.

Children's networks are of great importance, and to children and youth at risk they can be determinative of whether life takes one or the other path. Family counselling is an example of a preventive arrangement that includes the network and ensures the child receives support and back-up.

A lot is done to prevent that children and youth at risk mentally and socially develop in the wrong direction.

Preventive services

In many ways, social educational work unfolds as preventive services in an otherwise normal life, as a supplement to an insufficient socialisation and qualification of the child or young person.

The preventive services are manifold and go from limiting an undesirable development to supporting a desirable development. Although the preventive services are often aimed at limiting undesirable developments of children and youth already at risk, both perspectives can be part of the social educational work.

The actual service can be investigative work in the milieu or providing support to children and families at risk. Here, the social educator works on changing the conditions that put the well-being and development of the child at risk. Either through supporting the parents in their role as caregivers or by offering the child a contact person who functions as a resource of support to the child.

Preventive services can also take place at the day-care centre or school. They can be in form of full-day school or take place after school. Taking part in leisure activities that give the children a feeling of success can also prevent many situations.

Preventive services are focused on current situations – children with special needs of care, treatment and education. A placement outside the home can therefore be aimed at preventing the situation from escalating and thereby, in itself, be an act of prevention.

It can be extremely difficult to predict future situations and prevent problems from arising. Perhaps the best way to prevent problematic situations is not through intervention and support but by creating a society that can ensure all children the best possible development

during the first years in life. It is commonly agreed that early intervention is paramount – rather than waiting until the problems can no longer be neglected.

This means that preventive social intervention is done best by ensuring that families have good living standards and that the day-care services are of high quality so the children can be given the best possible beginning in life.

Highly qualified health visitors are also part of society's general preventive social services which ensure the children get a good beginning in life.

The State Parties recognize that every child has an inherent right to life and that the state to maximum extent shall ensure the survival and development of the child.

When preventive arrangements have failed, either because intervention didn't work or came too late, or because the problems and conditions of life are so severe that the well-being and development of the child is in jeopardy, the state is obliged to take action and place the child in foster care or a placement home.

Children placed outside the home

Placing children outside the home is a very drastic and dramatic act of intervention. The parents are responsible for the upbringing of their child, and the child is under their authority. The parents are responsible for providing the child care and security – which the child, according to the UN convention, is entitled to. It is the parents' responsibility to give the child the guidance most suitable for its skills and possibilities of development, and other countries must respect this (Article 5).

When the parents cannot manage or disregard this responsibility, the state can, in accordance with the best interests of the child, its wants and needs, intervene the parents' authority and place the child in foster care or a placement home. This often happens when the child has severe behavioural or social problems which the parents cannot manage, or if the child lives with parents that do not provide sufficient care, who are ill or substance abusers.

In all countries of the world there are children who live under particularly hard conditions and these children require special support

– The declaration on social and judicial principles of the protection of the well-being of children.

When children are placed outside the home, the state is obliged to frequently review the condition of children placed in foster care or treatment centres (Article 25) and shall ensure that children who have been exposed to neglect, exploitation or abuse get the most suitable treatment so they can be reintegrated in society (Article 39).

Institutions, services and facilities responsible for the care or protection of children shall conform to the standards established by competent authorities, particularly in the areas of safety, health, in the number of staff and suitability of their training, as well as competent supervision (Article 3).

The child has the right to live with its parents unless this is considered irreconcilable with the well-being of the child. It has the right to maintain contact to both parents if it is separated from one or both. The State Party is obliged to re-establish contact if the separation results from any action initiated by that State Party (Article 9). This means the social educators must cooperate with the parents. They must listen to the parents and involve them as equal partners in the placement process.

Social educators who work in a foster home or as foster family have extended responsibility for the upbringing, education and care of the child or young person. They have a particular responsibility of ensuring the rights of the child during the placement and to help the child further in life.

Children have the right to be involved and heard. This is the essence of the UN Convention on the Rights of the Child.

The convention emphasises children's right to participate in the common institutions of society and be part of children's networks where they live. This is a prerequisite of the development and education of children.

This way, by participating, they learn how society is

organised and how one can actively take part. Society must give children the opportunity to take part in its institutions, social organisations and structures.

This goes for all children, but children placed outside the home are particularly vulnerable. They live on the edge of society – kept away from central societal mechanisms and contexts. This is reality, whether it is because society finds it hard to socially adjust these children, or whether the children find it hard to adjust to the structure and organisation of society.

They are children and youth with glum experiences of participation – excluded and marginalised as they are. Children and youth in lack of care, who have felt threatened and looked down upon. Children and youth who find it hard to behave – in school and in relation to authorities and common rules. Children and youth often marked by mental illnesses.

They are children and youth who once, unconditionally, trusted other people. A trust that was not met, but exploited or abused. A trust that was met with a cold, annoyed or angry attitude. Children who were robbed the most precious of all: their spirit and opportunities in life.

Children and youth who need reliable adults who can provide the necessary care and be role models on how to be adults – something the children must learn as part of their development.

Still – consistent, authentic and reliable adults are not enough. Professionals with knowledge and expertise in rebuilding the child's self-confidence and self-esteem, its skills in setting limits, and skills in conflict resolution, are necessary. Professionals who can handle the children's fear and anger, who are not only capable of setting objectives for the treatment and choose the right methods, but who can also facilitate activities and learning processes that give the children an opportunity to re-conquer life.

The term «placed children» covers a group of very diverse children with individual characteristics, but common to all is that they have had and still live a life under hard and difficult circumstances. They have special needs that require support and attention.

A foster home or social educational placement home

must be an opportunity of development for the children and youth. A place where they can be with adults who welcome them and want to see them as other than just «maladjusted».

Above all, children and youth with tough conditions of life, mental illnesses, behavioural problems, substance abuse and learning problems, need positive experiences in creating relations and they need continuity and stability. They need social educators who can provide a safe and relatively conflict free environment, who in all manners act as grown-ups and show that they care about the children and support them to carry on with life.

The children need a place which can be a «breathing space» – a space free from all the agony of the world and the many failures. A place where the children's social problems and their backgrounds create meaningful relationships among them, where they feel they are not alone but have something in common with others.

The function of social education

Whether the foster or placement home forms the physical setting of the child's private life, school and leisure activities, or the child goes to the local school and takes part in local leisure activities, social education is always aimed at the children and young people's participation and inclusion in society.

The child's problems are not alone the child's fault but must be seen in relation to the environment in which the child grew up. The social educator uses an understanding of what impact the problems have had on the child as the base for her work. When the social educator understands the child's behaviour, problems and needs as meaningful in the light of neglect, discrimination or other hardships, as a way in which the child tries to manage its options and possibilities, she can commence work by giving the child immediate support now and further through life.

Today the task is to ensure social inclusion. That is:

- Extend and differentiate the expectations of normality
- Develop social diversity
- Create social inclusion opportunities
- Improve the life situation of children and youth at risk.

This requires social educational competencies and processes which support that socially vulnerable children and youth have better circumstances in their lives and upbringing. Competencies and processes that contribute to:

- Creating networks
- Making differentiated networks possible
- Social inclusion and practice
- Social arenas
- Preventing marginalisation and segregation.

These responsibilities are consistent with the UN Convention on the Rights of the Child and require reflection from the social educators: a critical view upon the institutional order of life – routines, rules and behavioural patterns – as it sometimes may occur in the placement homes.

It is a social educational task to implement the convention and incorporate its principles and standards into social educational practice. Social education is based upon ideas of humanity and democracy that support broadness – democratising, giving authority and autonomy. Values that correlate to the principles and standards of the child convention.

But social educators are not only obliged to use the convention in daily practice. When authorities fail to live up to the requirements of the convention, the ethical obligation is to render the consequences visible since children at risk in particular feel the impact of these consequences. Therefore, social educators have a special responsibility of pointing out when children's rights, in the masses of the big administrative grinder, are disregarded.

3. Children's participation and the role of the social educator

In this chapter, the Ladder of Participation is introduced as a tool to analyse the level of children's participation in society. It is followed by the presentation of 14 recommendations to an effective child protection system composed by a Swiss group of researchers and an example from the Danish legislation aimed at strengthening the children's rights and protection of their interests. At the end of the chapter, social educators' specific competencies as guarantors and enablers of children's rights are emphasised.

Children must be included and heard

Children must be included and heard in all decisions affecting their lives. The UN Convention on the Rights of the Child is a manifest to empower children and describes the right of the child to express its views in all matters concerning his or her life.

To analyse and understand children's participation in society and local community, Robert Hart, a sociologist from UNICEF, has developed the Ladder of Participation. The ladder explains the different levels and degrees of participation that children are allowed and can experience.

Many countries over the world have ratified the UN Convention on the Rights of the Child, and many countries have, in one way or another, incorporated children's rights and the protection of children into the

writing of the legislation. However, in most countries we still experience a wide gap between the good intentions of the law and actual practice as it revealed through systems, procedures and actions of the local authorities and other governmental institutions that make the law come to life through their everyday performance.

Therefore, it is the systems and procedures related to the placement of children and youth outside their home that must be looked at and analysed. To which extent are the children heard before and during a placement? Which structures ensure that it is the interests of the child that prevails rather than the interests of the parents, financial issues or political views that influence decisions and actions concerning the child's life? Does the legislation effectively take the children and their perspective into account, or does it mainly reflect the adult perspective of the child?

Robert Hart's Ladder of Participation

RUNG 8 - Youth initiated shared decisions with adults: Youth-led activities, in which decision making is shared between youth and adults working as equal partners.

RUNG 7 - Youth initiated and directed: Youth-led activities with little input from adults.

RUNG 6 - Adult initiated shared decisions with youth: Adult-led activities, in which decision making is shared with youth.

RUNG 5 - Consulted and informed: Adult-led activities, in which youth are consulted and informed about how their input will be used and the outcomes of adult decisions.

RUNG 4 - Assigned, but informed: Adult-led activities, in which youth understand purpose, decision-making process, and have a role.

RUNG 3 - Tokenism: Adult-led activities, in which youth may be consulted with minimal opportunities for feedback.

RUNG 2 - Decoration: Adult-led activities, in which youth understand purpose, but have no input in how they are planned.

RUNG 1 - Manipulation: Adult-led activities, in which youth do as directed without understanding of the purpose for the activities.

Child Protection Systems

In Switzerland, the Swiss Project Fund for Child Protection has made an international comparison of “good practice examples” of child protection services in Australia, Germany, Finland, Sweden and United Kingdom with the intention of providing a principled and pragmatic account of what constitutes an effective, modern child protection system.

The report demonstrates that the purposes of modern child protection systems may be viewed as trying to achieve two things: Intervening in situations where a crisis has already occurred using a responsive

emergency system, and identifying those populations most at risk and providing preventive services to them in order that such emergency responses not be required. A robust and effective specialist child protection service is necessary to ensure that the most vulnerable children in society receive immediate and effective protection, the report states.

The work has resulted in 14 recommendations that, although written in a Swiss context, are widely applicable. The “we” in the recommendations refer to the authors of the report.

Recommendation 1 – National Standing Committee

We recommend the establishment of a national standing committee, representing all Canton governments, to review Swiss Federal and Cantonal laws and policies with the objective of producing a National Framework for Child Protection (similar to the National Framework for Protecting Australia’s Children where there are comparable state and Confederation government arrangements). This would have the effect of creating a universally agreed set of principles to inform Canton law and service provision. To inform the work of the Standing Committee the governments of Cantons should review their current service provision from universal through to targeted levels (see recommendation 9) to ensure a planned continuum of services.

Recommendation 2 – Child Welfare Boards

We recommend the establishment of a ‘Child Welfare Board’ in each Canton. The membership would comprise all organisations, non- governmental and private providers of services within the Canton. As well as implementing the policies to meet the aims of the anticipated National Framework for Child Protection, they would have a range of responsibilities concerned with developing communication protocols between agencies and auditing services within the Canton at universal, targeted and specialist levels to identify gaps in provision and make plans to meet these. We would anticipate that some provision of highly specialist services would be required which would require cross Canton support and commissioning arrangements, for example, the provision of specialised therapeutic services for children who have suffered sexual abuse. In these cases special arrangements would be required to create clear lines of governance and accountability which would involve the Child Welfare Boards and Canton governments in co-operative arrangements.

Recommendation 3 – Social Work Teams

There should be teams of professionally qualified social workers employed in each Canton to carry out the functions with respect to child protection at specialist level and requirements as determined by the Swiss Civil Code, Articles 307 to 317. They should be primarily responsible for carrying out assessment of families where maltreatment is indicated and/or there are needs for therapeutic or preventative services and convening Case Planning Meetings with professionals in order to develop intervention and service plans (see recommendation 4).

Recommendation 4 – Case Planning Meetings

A system of interdisciplinary Case Planning Meetings should be set up in each Canton. Reflecting some of the strengths of the child protection case conference system operational in the UK, these meetings should involve all those professionals working with families where there are considered to be child protection issues. In keeping with international best practice such child protection issues should be understood in the broad sense, encompassing situations where there are immediate risks to a child but also those where the range of adversities faced by the child are predictive of poor outcomes. In either case the objective should be the production of a multi-disciplinary service plan whose effectiveness in protecting children and enhancing their well- being may be assessed in subsequent review

meetings. It is important that the principle of sharing information in the best interests of the child is not hampered by considerations of client confidentiality.

Recommendation 5 – Professional Education in Child Protection

There is an opportunity in Switzerland to build an effective interprofessional child protection system. Whilst mandatory laws may help in some circumstances to achieve this, we would recommend that effort be placed on creating a system of professional education within universities wherein unidisciplinary training concerning child protection is a mandatory part of the curriculum at undergraduate level for all professionals working with children or families and that multidisciplinary training is made normative for the same professionals, at postgraduate level. In these ways all professionals would have basic knowledge of child protection issues and see the effective protection of children as a collective responsibility. This would require the development of course material for undergraduate and postgraduate courses by universities.

Recommendation 6 – Promotion of Social Work

Universities should ensure that selection procedures for social work students are robust; requiring high entry grades and interviews to ensure that the best possible candidates are selected. As part of the National Framework for Child Protection (see recommendation 2), there should be a strategy for the promotion of social work as a demanding, challenging and rewarding career. Canton governments should ensure that social workers in their employment are offered salaries and career structures reflective of the complex and socially important demands of their profession.

Recommendation 7 – Family Participation

We recommend that Switzerland follow international best practice standards by having families attend and share in decision making processes at multidisciplinary Case Planning Meetings (see recommendation 4). Care should be taken to systematically involve parents and children (who may have a different perspective from their parents) in all assessment and decision making processes. This should be enshrined in all guidance and assessment tools developed for the use of social workers and other professionals (see recommendations 9 and 10). Where Guardianship is being considered with respect to a child then special rights of representation and appeal procedures should be standardised within the proposed Framework for Child Protection in Switzerland.

Recommendation 8 – Audit of Services

The development of a continuum of children's services requires an audit to provide a description of services and their locations already available across Switzerland at universal, targeted and specialist levels. This would provide the basis for an analysis of need at Canton level where gaps in service could be identified and steps taken to develop services against priorities informed by the work of Canton Child Welfare Boards (see recommendation 2). Such audits could be aggregated across the country to inform the development of the National Framework for Child Protection (see recommendation 1).

Recommendation 9 – Child Protection Guidance

We recommend that guidance is commissioned by the national standing committee (see recommendation 1) to enable social workers and other professionals to effectively undertake their work in ways which are reflective of Federal and Canton laws and policies and are informed by international research evidence on what constitutes best practice in relation to work with families and children. The guidance should be 'user friendly' and not overly prescriptive.

Recommendation 10 – Common and Specialist Assessment

We recommend that a two-tier assessment framework should be commissioned by the national standing committee (see recommendation 1) and operationalised by Canton Child Welfare Boards (see recommendation 2); the first common tier for all professionals working with children and the second specialist tier for social workers. This assessment framework should reflect international best practice in being ecologically based and evidence informed.

Recommendation 11 – Audit of Methods

The use of a range of methods by social workers has become normative in child protection systems. It is important that, where possible, evidence based methods reflecting client needs are used and should include both support services and therapeutic interventions. Current methods used in Switzerland should be audited against assessed levels of need at Canton level (see recommendation 9) with a view to identifying any gaps in provision. Such gaps, if found, should then inform the training and service implementation strategies of the proposed Child Welfare Boards (see recommendation 2).

Recommendation 12 – Review of State Care

We recommend that as part of the development of a Swiss National Framework for Child Protection (see recommendation 1) a review of state care is commissioned by the national standing committee and implemented through the Child Welfare Boards in their respective Cantons (see recommendation 2).

Recommendation 13 – Vetting and Barring System

In line with best practice across the countries we would reinforce the necessity to have good vetting and barring schemes in place to ensure that those working with children, whether in residential establishments or in the community, do not have a record of criminal offences against children. We would recommend that such information be collated at Federal level and be available to Cantons, as those seeking to work with children across Switzerland should be subject to the same regulatory framework.

Recommendation 14 – Output and Outcome Measures

As part of a National Framework for Child Protection in Switzerland (see recommendation 1) it would be important to agree upon a range of output and outcome measures for the system. The latter should not only make quantitative data available but also include qualitative data (e.g. the recording of children's subjective experiences and their evaluation of services). The establishment of such national data requires that each child is given an individual signifier on receipt of services to permit tracking through the system over time to enable aggregation of data and discernment of trajectories and patterns to further inform service planning and development at Canton level (see recommendation 2) and interdisciplinary interventions at case level.

The Child's Reform

A concrete example of how legislation is changed in order to better guard the interests of the child is the Child's Reform of Denmark implemented 1 January 2011. With the reform the intention is to ensure the child's participation and that the child's views and opinions are heard – not only taken into account but

also given more weight than the interests of the parents, because the child and the parents in some cases represent two different sides with conflicting interests. The reform also gives children greater possibility to complain. For further examples of how children's rights are sought to be protected and respected, please see appendix 1.

The Child's Reform

The Child's Reform is a piece of legislation that was implemented in Denmark in 2011. The main objective of the reform was to strengthen the focus on the interests of the child, a principle that permeates all clauses concerning special support for children and youth – for example in the rules on placed children's contact with their parents, in choice of placement and the rules for complaint. In these rules the interests of the child weigh more than the interests of the parents.

With the reform it is emphasised that children have the right to

- Be involved in the case handling
- Be heard in decisions concerning themselves
- Contact with family and network
- Have a lay representative at meetings and other encounters with the authorities
- The possibility to complain over decisions made by the authorities

Being heard – the interview

In a child case, as a main rule, the parents must be involved. However, there are a number of situations where children have independent rights in order to strengthen the interests of the child and the inclusion of the child's experiences in the process of the case handling. So, the legislation underlines that the child must be assisted to express its own views in all phases and that the views of the child must be given due weight in accordance with the age and maturity of the child.

This means the child has the right to an interview in the placement home at least two times a year. Further, the child has the right to an interview in relation to a number of other decisions – in choosing the placement home, in case of placement without the parents' consent, regarding contact with the parents, when the plan of action is to be reviewed and a range of other decisions and actions that influence the child's life and every day routines.

The objective of the interview is to get to know the child at first hand. And to ensure the child's own experiences are taken into consideration. Although there has been an interview with the child at the beginning of the examination of the child's living conditions, another interview must be held before going further with any actual decisions. This way the child gets a chance to express its views and opinions of the planned decision before it is carried out.

Parents cannot oppose the interview and they cannot demand to be present.

The contents of the interview must be included as notes of the case and the child's views must be given due weight. If the child's views are not included, this fact and the reason behind will also play a part in the case.

Consent

When the youth has turned 15 years of age decisions that require the parents' consent will, as a main rule, also require the consent of the youth. This goes for cases of volunteer placements, change of placement, review of service plan and supported contact (with parents). In case of placement it is thus important that the youth understands the objective of the placement and has given his or her consent on the basis of this.

Counselling

Children have the right to anonymous and open counselling. They can freely contact the authorities to ask for counselling and they are not required to give their names or other data and they don't need their parents' permission.

Contact

The child has the right to contact with its parents and extended family and network. This involves that the needs and interests of the child stand above the parents' needs and interests concerning contact with the child. The child must be heard and involved in decision about contact and the decisions must be based upon what are in the best interests of the child. When making decisions, authorities shall take into account that the child must not be subject to contact in situations when this might be harmful for the child. It is therefore of great significance that the child's needs and interests are given more weight than the needs and interests of the parents.

Support

The authorities must assist placed children in finding a person that can be of support for the child during placement. The purpose of this support person is to prevent loneliness and give the child a chance to establish a broader network during and after placement. The child is not obliged to have a support person if he or she does not want it. The support person will not be employed or paid by the authorities as it is important that it is someone with a personal engagement in and emotional responsibility of the child.

Lay representative

Children have the right to a lay representative. Someone who can help them understand what is going on and give the child advice and guidance – or just a feeling of safety. The lay representative can be someone from the child's network or

someone who doesn't know the child from before – fx from a charity or volunteer organisation.

Access to complaint

With the Child's Reform the right to complain has been lowered from 15 to 12 years. The authorities shall assist with guidance of how to complain and must inform the child of its right to complain and how this is done in practice. The Authorities must also actively help children who wish to complain.

The responsibility and competencies of social educators

Social educators are important guarantors that children and youth can enjoy their rights. The child convention is a governing foundation for the practice of social educators and it is a prerequisite that social educators, and others who work with children and youth at risk, know the child convention well.

For social educators the child convention means that the support must be organised based on concrete assessment of the individual child's needs. Each child's current situation must be part of the assessment and the child's perspective must be included in the daily life and activities of the placement facility.

In terms of ethics and social policy, social educators are responsible of ensuring that the child convention is reflected in their own practice and they are obliged to point out when the state does not live up to the convention or when the child is not involved and heard in its own case.

Children and youth placed outside the home need – like all other kids – close and continuous contact with adults. Adults who listen and see them. Who take them seriously. Who are accessible and easy to talk to. Who contribute to creating enduring, secure and developing relations. This requires social educators who continue to take a sincere interest in these children and who accept that it may take a while to build good contact relations with children and youth who suffer from the general pains of life.

Vulnerable children and youth need – like other kids –

friendships and at least one good friend they have a special relation to. They need friends they can do leisure activities with. This requires social educational support which contribute to creating developing learning environments and friendships that do not expose the children to new problematic situations, for example alcohol, marijuana, violence etc.

Social educators are trained to create relations – this is at the core of their professional identity and mastery. They can create the space of trust needed when a child or young person is going to tell about their experiences, thoughts and feelings and point of view during the research process of the child's situation and living conditions. Social educators are trained to listen and make the children feel comfortable enough to express their dreams and hopes, fears and dislikes, and they can be used to identify the child's own perspective.

As such, social educators can be used as the main link between the child, the authorities and the child's parents/network. Social educators can companion and represent children and youth – before, during and after placement – and stand as guarantors of the child's rights overseeing they are respected. They can point out when there is a gap between legislation and practice and when systems, procedures and structures fail to give way to bringing forth the child's interests.

Social educators have the professional knowledge and competencies to ensure decision makers, parents, social workers, school teachers and other relevant parties of any case are aware of the child's rights and how practice can be structured in order to protect and respect these rights.

4. A better everyday life

In this chapter we discuss the everyday life at the placement homes and similar facilities as they develop their own institutional life with routines, rules and behavioural patterns which emerge and with time can limit the options of the children and youth living there. The chapter concludes with an example, from Italy, of life in residential care centre.

Close to family life

There are many types of placement homes that all have in common that they are living-places for vulnerable, threatened and threatening children and youth with parents that for one reason or other cannot take care of them. The circadian rhythm in these places simulates the daily rhythm of a family. The children are woken up, sent off to school, welcomed home after school, leisure activities are arranged, visits at the doctor and dentist must be planned, shopping done, and meals and bedtimes kept.

State Parties recognize the right of the child to rest and leisure, to engage in play and recreational activities appropriate to the age of the child and to participate freely in cultural life and the arts.

– Article 31, UN's Convention on the Rights of the Child

But everyday life in a placement home is also different from life in a family. Life in a placement home takes place within a group of other children and youth that is usually bigger than a regular group of siblings.

There is supper for all the children at the same time. Or, if the children and youth live with a foster family they must share the attention with the family's own children. It is the reality of the foster child to live with two families. When the routines of everyday life have become standard, daily life can easily become institutionalised.

In a placement home the children are surrounded by many adults to whom the home is a workplace with staff meetings, schedules, coordination, treatment plans and discussions with co-workers. The work in the home is organised around action and treatment plans and certain rules and routines: work schedules, contact person arrangements, reports and documentation.

The foster family works at home and the whole family is accessible for the foster child. The care-giving is, as

much as possible, an integrated part of the regular family life.

But when the child's home is a workplace for the staff there is a risk that the child's life becomes institutionalised.

Intense, social environment

For children placed with aim of treatment it can be hard work when everyday life becomes so focused on their psycho-social problems. They are constantly under observation and analysis. A Ph.D. from the Danish Welfare Research Centre about daily life at two Danish treatment homes describes how the children and staff have daily negotiations about the children's problems and the treatment of them. The children's actions are often subject of interpretation – even the more mundane things such as baking a cake or playing a game. The children's personality is constantly in focus. This makes for a very intense social environment that requires a lot of energy from the children. One could say they are almost at work when living in a treatment home. They work with themselves and their place among the other children and the staff.

From an everyday life perspective it is important that they learn practical skills such as cooking and cleaning and they must become familiar with shops, banks, workplaces etc.

The child's problems

It is easy to describe placed children as marked by chaos and instability from the care they receive and the norms they learn – as children and youth with psycho-social difficulties, developmental impairments and behavioural problems. Categorizing can be helpful when the aim is to understand how the child's difficulties in life have influenced the child's life story. It can be suitable when special attention and help is needed.

At the same time, the special attention devoted to the child's problems can often result in social educational support that focuses on what is «wrong» with the child

and how the child can be supported – and thus, what the child is not able to do and how it can be treated.

Categorising can lead to suppressing individuality and uniqueness. It will often limit the expectations of the child and curb creativity and the establishment of a developmental space for the children. Categorising the children and youth may lead to institutionalised lives.

Developmental space

Children and youth placed outside the home are kids like all other kids. They have different needs and developmental opportunities depending on their individual skills and interests and the collectives and communities they've had access to.

The State Parties shall respect and promote the right of the child to participate fully in cultural and artistic life and shall encourage the provision of appropriate and equal opportunities for cultural, artistic, recreational and leisure activity.

– Article 31, UN's Convention on the Rights of the Child

Children and youth living in placement homes are not only passive victims of difficult life circumstances. They are children and youth who take action and develop behaviours they think are functional and apt or at least the best option in a problematic life situation.

The actual situation which the child or youth is in, and the way they try to manage their various options and opportunities, must be understood as meaningful in the light of betrayal and breach of trust. By diverting focus from the behaviour of the child or young person towards the developmental conditions, the professionals can work on creating developmental space for the placed children and youth. That is, planning learning processes and finding ways with the children and youth which will help them and their network to carry on in life.

When creating space for development, four parameters are important:

- The child must have an active life; be engaged in its own life and surroundings.
- The child must have good social relations; live and develop among other people.
- The child must have a positive self-image; see itself

as capable, useful and valuable, satisfied with his or her contributions in daily life.

- The child must have a fundamental feeling of happiness; a life with many experiences, security and a satisfactory daily life.

This requires an everyday life where the social educational support diverts its focus away from the children's problems and risk behaviour and turns it toward their conditions of development and the placement homes' function as developmental spaces.

Closed homes

When life goes on excluded from community it easily becomes an institutionalised life. The placement homes have often been criticised of being closed institutions with their own way of life. Institutions that have developed their own views about the best interests of the child. Places where a greater part of the child's daily life happens in the placement home; where the placed children and youth only to a very limited extent are part of the local community of their peers.

This does not necessarily correspond to actual life. Attending the local school and taking part in local leisure activities are obvious examples of the placement homes not being isolated units. The children and youth do not experience the placement homes as closed institutions and most of them have friends both in and outside the home. But they take part in fewer leisure activities than foster kids and kids in general.

It is obviously important that the children and youth feel they have good relations to their surroundings. The children must have the opportunity to spontaneously leave the home to go shopping, go for walks in the area, visit friends and have friends over. This kind of contact with life outside the home is in itself significant to their rehabilitation.

It isn't always staff that keep the children at the home, or the fact that there are always other friends at hand. Placement is a protection of the child who may experience the stay as a breathing space, free from the agony of the outside world. Even more so, there is reason to gradually support the child in making a life for itself outside the home.

Norms and rules

Like other institutional settings a placement home has a set of norms and rules in relation to certain tasks and functions. There is a social structure aimed at regulating the behaviour of the placed children and youth and the staff, the cooperation between the staff members and the relations to the surrounding community. The placement home differs from the family as an institution by not having the intimacy of a domestic home. In a private home you can do what you want without being monitored or having to deal with externally imposed rules.

Of course, one can always question whether a private home always fulfil these expectations of freedom, but it is nevertheless what the children and youth often want, and what the social educators try to provide – a homeliness. This shows in the way the placement home is decorated and through the atmosphere of the place.

The placement home can be a house or a flat in a residential area. Private rooms for the children with a shared kitchen and living-room. Life in the placement home ideally feels like everyday family life with a scent of coffee, candle lights, flowers on the table and freshly made bread. This is conveyed through the personal care for the child: helping with the homework, putting on clothes and the personal hygiene, having cosy-time after dinner and reading bedtime stories.

One can always question whether this is a true picture of today's family life. For some of the placed children, at least, it is not. The family life that placed children have experienced is often not similar to regular family life and it has, as is the case, been disqualified by society. Some of the children may not be able to cope with all the care and concern they are shown, they just want a place with a table, a bed and a chair.

It is nevertheless the pedagogical line of thought that the children will get new opportunities and role models when they experience and feel that they belong somewhere, when they feel at home and part of a community and feel they have a safe place as a base for life. But despite the efforts, everyday life in placement homes will always be an institutionalised way of life.

Staff come and go, new children arrive and others are sent home. The placement homes have their own rule

systems. Rules can give the children a clearer and more realistic idea of what is expected from them. They have the opportunity to test themselves. But if the rules are based upon institutional life and do not correspond to life outside the placement home they are of no use.

Rules can be strict and reduce freedom of action, or give a green light to do what you want within defined limits. Rules can be fixed or up for daily negotiation – absolute or relative. They can be understood and administered differently – tightly or with flexibility. Rules can be respected and followed or broken and creating conflict. When many children are together in the same space, and time, it can be hard to adjust rules and norms to the needs of each child. When many social educators are replaced daily – as they come and go from work – it can be hard to administer rules uniformly.

The house rules and norms of a placement home must create social structures which give the children a positive self-image, security, rights and responsibility. Rules that do not meet the needs of the children will always lead to an institutionalised way of life.

Social educators must, together with the children, plan learning processes that support the personal development of each child and give the children the opportunity to engage in society and feel part of it.

Use of coercion

In regular family life parents set limits according to their own beliefs and assessment of what is in the best interests of their children. The parents' possibilities of setting limits against the will of the child, even when it implies elements of coercion (forcing them to finish dinner, picking them up from town, ransacking their room etc.), are judicially and ethically rooted. The parents are responsible of the child. This is different in a placement home where the parents' methods cannot be used the same way.

Setting a limit for what is seen as coercion is hard. In our view, all actions that go against the will of the child can be perceived as coercion in the light of the child convention's articles on the personal freedom and integrity of the child.

On the other hand, the staff are responsible of the children and youth. This means that the social educator

in various contexts must make decisions about the child's life and do things the child disagrees with. It is therefore important to have a professional room for action and be able to make individual assessments in cooperation with other involved persons.

Potential use of coercion with the aim of educating, by the social educator or the placement home, must always be subject to reflection and control and the children and youth must always be actively part of the evaluation of these unequal events.

There are different rules at different levels in each country, but the social educator will always be responsible of bringing the issue of coercion on the agenda. This implies important professional and ethical discussions about how the work of the social educator is to advance the care and development of the children and youth.

Special consideration

The social educational task is on one hand to prevent social exclusion, on the other hand to support already marginalised and excluded children and help them return to the collective of society. The aim is to ensure the children and young people's participation and integration in society life.

Like other children, they must have the opportunity to take part in daily and recreational activities – on the premises of the placement home or outside. They must have access to organised local leisure activities at specific times during the week. They must be free to relax and be by themselves or with other children in their free time doing homework or playing computer games. They must also have the opportunity to be engaged with staff that have time to talk with them. They must be able to be with friends listening to music, watching television, hanging out in the mall or the park. Younger children may need to just be kids and play.

Big or small, the children need to engage with the surrounding world in order to identify with and understand the society they grow up in. They must learn how to make friends and stay in touch with peers, the community and the family network by being included in meaningful and identity forging collectives.

All children need this, but placed children perhaps need it even more. Living in a placement home you may easily be isolated from others, while others may easily make judgements about you. In general, placed children are less engaged in recreational activities than other children and their experiences are often negative. They need help and support to overcome the barriers they fear or meet.

The placement homes – being enclosed units or part of the local community – are a specialised service. A service viewed as a prerequisite for the child's reintegration into the society from which they have been rejected. An institutionalised life is the condition for placed children who have no other place to live. The event of being placed plays a significant role in the children's lives and leaves emotional scars. Those facts require special attention.

Everyday life is set within the frames of the institutionalised life at the placement homes. An institutionalised life that for a longer or shorter period of time is a replacement or supplement to regular family life. A habitat for development and maturing with the same opportunities as other children. When the children are placed as part of a treatment and rehabilitation process their problems and background are in focus. A prerequisite for the success of the placement is that everyday life makes life in general more manageable. The children must be able to cope with everyday life and everyday life must be liable. Ideally, it is an everyday life characterised by joy, happiness and imagination.

The following is a chapter from the book "Raccontiamoci" which describes life in an emergency placement home of Ancona Municipality, Italy, as seen by four volunteers from the National Civil Service who came to stay in the home for one year.

"The community (L'Ancora) is located in a hilly area of the city of Ancona. Apparently, more than a placement home, it gives the impression of being a home town: it is a very large villa with a beautiful garden in front and back, from which you can see the sea and the port, as from its position above them. Each of us, at first entry, had observed small details relating to the structure and the surrounding environment, which eventually brought forth different sensations. Some noticed the life and movements that characterize the port of Ancona, others focused on the colors and serenity of the natural landscape. Others, however, focused on the bars on the windows which led us to ask why they were there, as they seemed opposed to the sense of familiarity evoked by the house. The bars, we found out, were to prevent intrusion of strangers. Living in the placement home the bars then seemed less overwhelming since the door left ample freedom for activities in the garden.

In the beginning, part of the garden that overlooks the entrance area seemed a little overlooked, but after some months, and thanks to recreational activities and maintenance, we saw the environment with different eyes – livelier and more human. This space was indeed the scenario where, through games and chat with visitors, we began to know each other.

The house is split into three floors. On the ground floor is the office where the staff plan the educational and recreational activities offered to the kids. Here is all the documentation on the children, the legal framework of the health sector, arranged in folders that educators update and revise periodically. A summary of this information, we find affixed to the wall on a magnetic board that summarizes the general and essential data of the children of the house.

The board, with its visual impact, makes it possible to always have a clear picture of the situation. In addition, the office keeps a diary for each day on a special paper form, divided into time slots, where the staff note everything important that happens during the day, including external communications, deadlines and commitments considered relevant. There is also a library with a number of books: essays on pedagogy, psychology, migration processes, and above all dictionaries in languages which the majority of the boys (Urdu, Persian, Arabic, Turkish, Kurdish, Romanian, Somali) have as their mother tongue.

Finally, although it is a formal administration office, it is also a space characterized by colorful drawings from photos and poems by those who wanted to leave, there on the cabinet wall, a sign, an affectionate remembrance of their passage to Ancora.

Leaving the office, a short hallway leads to a lounge. Before entering, a great world map affixed to one of the walls meets the eyes. More than once we have found ourselves in front of this map playing "Guess where I am going?" with the kids, having fun taking turns choosing remote locations to be identified by the others. And sometimes the older kids were called in front of the map to show the journey from their homeland to Italy. The lounge has a common space where the boys can interact with each other, overcoming the obstacles of linguistic misunderstandings through play and activities going beyond verbal communication. In this room the boys, as well as relaxing watching TV, playing football or occupied with other pastimes, dedicate themselves to the study of Italian.

Often, with the help of the teachers, we improvised making posters and drawings and brainstorming on ways for the children to memorize the best words and phrases for everyday use in this new reality. Some of these posters were hung in the boys' rooms, decorating the walls, already customized with phrases from their writings, drawings of flags of their country, pictures and posters. With pleasant surprise we then saw that among the pictures there were still some who immortalized moments we spent together with us volunteers of the Civil Service.

The personal decorations make the bedrooms cozy and less impersonal, appearing less as a mere place of passage, and to our eyes, a place decorated with familiar objects can be comforting. Also another aspect characterizes the rooms: the personal way of arranging their own space within the room, which is usually shared by two or three boys. This tells us about the different personalities of the boys. Someone is more orderly and methodical even in the simple act of making the bed, others are more comfortable with disorder.

During our stay we experienced smells from the kitchen different from those to which we are accustomed. In fact, we found ourselves in front of rich and colorful dishes such as cous cous, rice, curry, kebab, and of course also more common foods. Next to the kitchen is the dining room where the boys get together not only for daily meals, but also on special occasions such as holidays and gatherings for those who are transferred to other communities or reunited with their families.

The feelings evoked by this room change depending on the number of guests. If our arrival was marked by peace and quiet because of the small number of young people present, with the passage of time and the increase of the inputs, the room was filled with voices, laughter, jokes and bickering that however made the atmosphere more alive and warm.

This is also the metaphor of our journey, a swing between moments of great commitment to the interweaving of multiple tasks to be performed, and quiet moments in which the confrontation with the boys also offered the possibility to take a break from the flow of events, and reflect on these to open new perspectives."

5. Themes – dilemmas and challenges

This last chapter is a concluding discussion of the convention set between ideals and conditions of reality. What can the social educator do, which dilemmas and restrictions does she face? The chapter ends with a number of questions to be discussed at the workplaces.

The message in this paper is that the UN Convention on the Rights of the Child must have greater impact and move out of obscurity. To a greater extent children's rights must be more explicitly described in the national legislations and complied with in the procedures and systems of the public administrations of the world's nations.

To this end, AIEJI has formulated a set of minimum requirements addressed at national governments and legislations across the world to ensure the rights of children placed outside the home.

- National legislation shall describe the empowerment of children of 12 years of age or older in the process and decisions concerning their case.
- National administrations shall establish procedures, systems and structures to ensure the child can exercise its right to express its views in all matters concerning the child's life.
- National administrations shall establish an institution, body or agency independent of the ruling government and any political and economic interests which puts attention to children's rights and acts as the children's spokesperson in the public debate. An authority assigned to monitor that the convention is to greatest extent possible respected and to which children and young people can complain if they feel their rights have been overruled.
- National educational programmes shall teach children of their rights and how they can enjoy them in practice.
- That all children are given the right to have someone to represent them and companion them throughout the process of their case.

Public authorities, political and administrative decision-makers are responsible of ensuring that the appropriate conditions are in place in order for the children to enjoy their rights.

During the course of this paper we have raised questions for discussion among social educators and at the workplaces. Discussions that most likely will develop a stronger professionalism.

The discussion can be instigated by the following questions:

1. Discuss the child's right to protection, development and co-determination:
 - How do you and your colleagues understand these rights?
 - How are these rights visible in the social educational practice of you and your colleagues?
 - Find concrete examples from the social educational practice and discuss how a certain action, decision or situation exemplifies a given priority of the principles.
2. Choose articles in the UN Convention on the Rights of the Child that are relevant to you and your workplace and discuss how they can be realised on a societal and administrative level and in the interaction between you and the child. Discuss in this regard the role and responsibility of the social educator.
3. Use your own ideas of what makes a home and discuss:
 - How are the physical settings at the workplace in relation to respecting that it is the children's home?
 - How is the language and communication about work processes and routines in terms of respecting that your workplace is replacing the home and family life of the children living there?
 - How can the placement home become homely? What helps and what hinders a homely atmosphere?
4. Discuss you and your colleagues' understanding of the concepts of participation and inclusion:
 - How can the child and youth's participation and inclusion be strengthened through social educational practice?
 - What roles and competencies should social educators have in order to ensure participation and inclusion?

5. Discuss how you and your colleagues can re-think social educational practice and ways of organising work so that the child convention is used in the daily work:

- What do you intend to do here and now?
- How will you organise the work in the long run?

6. Discuss how the social educational work can be organised so it becomes possible for you and your colleagues to comply with the intentions and requirements of the UN Convention on the Rights of the Child:

- What can be done within the current framework?
- What does it require in terms of a different framework and new resources?

7. Discuss below questions from a professional-ethical perspective:

- Discuss situations and events that have been difficult for you or violated your sense of ethics in relation to the child's rights and integrity
- Discuss situations and actions you have been part of where you have felt it was difficult or felt a dilemma in relation to your own norms and standards:
- How did you deal with these challenges?
- How do you and your colleagues define coercion in everyday life in the interaction with the child?
- Is the limit of what you and your colleagues define as coercion ever discussed or negotiated? Should it be discussed or negotiated?
- Have your actions before, during and after the use of coercion been discussed? In which way is the child or young person included in this discussion?
- Discuss whether you and your colleagues experience being individually responsible of the social educational work and support and the therapy which is determined by the placement home?

Discussion

Communication

How is the communication between the children and the social educators, what things and subjects influence the daily communication? Does the communication happen in a way so the children understand the contents of it and can take part? Do the children take part in regular meetings where they talk about their situation and are informed of what is going to happen in the future? Do you think the children feel that the social educators cooperate in order to help them?

Participation

Do the children take part in deciding and influencing important matters that concern their lives and situation? Do the children take part in deciding when they need help? Do the children take part in deciding rules and routines at the placement home?

Accessibility and support

Are the social educators accessible and do they provide support for the children in various ways? Do the social educators support the children in getting a better relationship with their family? Do the social educators help the children in following school, make new friends and engaging in recreational activities? Do the social educators help the children to contact the municipal social worker ensuring she does a good job?

Appendix 1

Italy: Hearing and participation of children

1. Inclusion of children described in the legislation in Italy

As it is probably for other countries, Italy has historically experienced a substantial change in the cultural perception of the issues affecting children – from subjects whose rights were not considered, we have moved to a conception of childhood and adolescence in terms of rights and vulnerability (the child is the subject of care as belonging to a weak part of the population) and finally to a new key to understanding according to which children are the holders of inalienable rights and the actors of development and change in their own sphere of activity. The legislation in Italy has followed this trend.

The early attempts were made to combat child illiteracy through compulsory education, which included five years of primary school for all, attended by all those eligible with enrolment by year of birth (Gentile Reform of 1923). Then the Italian Constitution (Article 34) established public education, free and compulsory for at least 8 years, and subsequently the determination of a compulsory education and training up to 16 years to 18 years (L. 144/99 and Presidential Decree 256/2000) was deliberated.

Law n. 285 of 1991 represents the final key to understanding the condition of minors. It concerns the legal provisions for the promotion of rights and opportunities for children and adolescents. Provides for the establishment, at the Presidency of the Council of Ministers, of a National Fund for Children and Adolescents finalized at the implementation of interventions at national, regional and local levels (the entities who actually are concerned are the local authorities included in the target areas of intervention).

The purpose of the Act is to implement and facilitate the promotion of the rights, quality of life, development and individual fulfilment, and the socialization of children and adolescents, focusing on the environment that best suits the natural, foster or carer family, implementing the principles of the Convention on the Rights of the Child.

This law gives rise, for example, to all those efforts for the election of Municipal Councils of Girls and Boys in the framework of promoting active citizenship and democratic participation in the management of their student and personal environment.

Thanks to this law, moreover, many initiatives to support the parent-child relationship have been carried out, finding alternative solutions to the placement of children in care, applying measures to prevent use and abuse of illegal substances and sometimes create recreational activities and educational services for the leisure time.

2. How the rights of children are ensured in Italian legislation

Italy with the law of May 27, 1991 n° 17627 - "Ratification and implementation of the UN Convention on the Rights of the Child" - has implemented the "Convention on the Rights of the Child", adopted in New York on November 20, 1989. Thus also in Italy are ratified the fundamental rights which must be recognized and guaranteed to children around the world. In addition to the law no.77 of 20 March 2003, ratification and implementation of the European Convention on the Rights of Children, signed in Strasbourg on 25 January 1996.

The following National Laws aimed at protecting children are here cited:

- Law No. 285 of August 28, 1997 - "Provisions for the promotion of rights and opportunities for children and adolescents". The law is the main reference on the subject of regulatory interventions aimed at children and adolescents. It dictates the principles, aims and objectives and provides a system for monitoring implementation of policies on children.
- Law n. 451 of 23 December 1997, "Establishment of the Parliamentary Commission for Children and Adolescents and the National Observatory for Children". The Centre is a coordination body between central government, regions, local authorities, associations, professional associations and NGOs dealing with children. Every two years, the Centre prepares the National Plan of Action of interventions to protect the rights of individuals and development in childhood, with the aim of giving priority to programs aimed at minors and to strengthen cooperation for the development of the childhood in the World. The action plan is then adopted by the Council of Ministers and comes into force. The two-year plan approved on January 21, 2011 is the 3rd two-year plan and consists of a few strategic points which are - the consolidation of the integrated network of services and contrast to social exclusion, the strengthening of

the protection of the children rights, the support to participation for the construction of a pact between the generations, promoting interculturalism.

- Law n. 112 of July 12, 2011, "Establishment of the Commissioner for Children and Adolescents". With this law, the Italian Republic has chosen to have what is considered, internationally, one of the most important tools for the protection of the rights and interests of children.

The Italian Constitution (Fundamental body of laws) also pays particular attention to ensure children's rights: we can mention articles. 30, 31, 34 and 37:

- Art. 30: "It is the duty and right of parents to support, instruct and educate their children even if born outside of marriage. In cases of incapacity of the parents, the law provides for the fulfilment of their tasks. The law ensures to children born outside of marriage full legal and social protection, compatible with the legitimate rights of family members. The law lays down the rules and limitations for the determination of paternity."
- Art. 31: "The Republic protects maternity, infancy and youth, supporting the institutions necessary for that purpose."
- Art. 34. "The school is open to all. Primary education, imparted for at least eight years, is compulsory and free. Capable and deserving pupils, even if without financial resources, are entitled to attain the highest grades of learning"
- Art. 37. "Working women have the same rights for equal work, and are entitled to have equal pay as working men. Working conditions must allow women to fulfil their essential family duties and ensure the mother and the child a special appropriate protection. The Republic protects the work of children with special rules.... "

The Civil Code identifies specific safeguards with respect to children at risk. The highlights:

- Title VI (of marriage) and in particular Articles 147 (duties towards their children), 155 (measures concerning children), 330 (forfeiture of parental authority over their children) and 333 (parent's conduct prejudicial to children).

- TITLE X (Protection and Empowerment), where examples are the initiation of protection (Art. 343), the functions of the probate judge (Art. 344), the appointment of the acting or deputy guardian (Art. 346), the functions of the guardian (art. 357), the trust by social services or welfare institutions (art. 354).
- TITLE XI (affiliation and entrusting) which is to be taken into consideration especially as regards the art. 402 on the powers belonging to the tutelary care institutions and art. 403 on the intervention of public authorities in favour of minors (the latter article is applied as urgent measure to protect children found abandoned and in moral or material distress such as, for example, in the case of unaccompanied minors).

To protect the rights of children and adolescents we also point out some rules of the field.

As for custody, adoption and maternity it is important to remember:

- Law n. 184, 4 May 1983 - "Right of the child to have a family" and subsequent amendments. The rule reiterates the right of children to be brought up within their family of origin and provides institutions of trust and adoption when the children do not have one, either temporarily or permanently.
- Law n. 64 of January 15, 1994 - Ratification and implementation of the European Convention on the Recognition and Enforcement of Decisions concerning Custody of Children and on Restoration of Custody, opened for signature in Luxembourg on 20 May 1980 and the Convention on the Civil Aspects of international Child Abduction, opened for signature at the Hague on October 25, 1980, rules implementing those Conventions and the Convention on the protection of minors, opened for signature at the Hague on 5 October 1961 and the Convention on the Repatriation of Minors, opened for signature at the Hague on May 28, 1970.
- Law n. 476 of 31 December 1998 "Ratification and implementation of the Convention for the Protection of Children and Cooperation in Respect of Intercountry Adoption, signed at The Hague on May 29, 1993. Changes to the Law of 4 May 1983, n. 184, relative to adoption of foreign children"

-
- Decree Law n. 150 of April 24, 2001, "Urgent provisions for the adoption and civil proceedings before the juvenile court"
 - The Decree of 26 March 2001, n. 151 "Consolidated laws concerning the protection and support of motherhood and fatherhood, in accordance with Article 15 of Law 8 March 2000, n. 53 "
 - Law n. 54 February 2006, "Measures of parental separation and joint custody of their children."

With respect to education and employment of minors:

- Law n. 977 of October 17, 1967, "Protection of Working Children and Adolescents".
- Law n. 53 of March 28, 2003, "Delegation to the Government for defining the general rules for education and basic levels of performance in education and training".
- Law n. 170 of 8 October 2010 "New rules on specific learning disorders in schools."

Specifically about the children with disability:

- Law n. 517 of August 4, 1977, "Regulations on the assessment of pupils and the abolition of exams of repair as well as other rules of the school system change" (considered the first law on school integration)
- Law. 104 of February 5, 1992 "Framework Law for the assistance, social integration and rights of persons with disabilities".

As for the abuse and mistreatment, we include:

- Law n. 269 of August 3, 1998 – "Provisions against the exploitation of prostitution, pornography, sex tourism involving children, such as new forms of slavery."
- Law 154 of April 5, 2001 - (Official Gazette n.98 of April 28, 2001) "Measures against violence in family relationships."
- Law no.46 of 2002 - "Ratification and implementation of the Optional Protocols to the Convention on the Rights of the Child, relating to the sale of children, child prostitution and child pornography and the

involvement of children in armed conflicts", New York September 6, 2000.

- Law n. 38 of February 6, 2006, "Measures to combat the sexual exploitation of children and child pornography, including through Internet."

As for the answer to the phenomenon of youth crime, in addition to the Code of Juvenile Criminal Procedure, refer to DPR Sept. 22, 1988 "Approval of the provisions on criminal proceedings against juvenile offenders."

Through this legislation, attention is paid to the personality of the child to offer him the opportunity to build a life project to highlight the positive aspects rather than the punitive perspective. The institution of "probation" is the evidence which provides a period of suspension of the process in which the child can participate in a rehabilitation plan prepared by the social services or the participation of specialists who assist the child during the process (when this is indicted) and the obligation of a psychosocial assessment.

Finally, within the framework of preventive measures against drug abuse, we mention the Decree of the President of the Republic of October 9, 1990, n. 309, "Consolidated Law on Discipline of narcotic drugs and psychotropic substances, prevention, treatment and rehabilitation of drug addiction" that, although not directed primarily to children, provides information and education with respect to the education sector (Sections 104, 105 and 106).

3. How are children's rights during placement in a community described in Italian legislation?

The placement in a community does not imply an alienation of the rights provided by law. The rights to health, education, training, education (formal and informal) must still be guaranteed as well as the opportunity for children placed in community to maintain their relationship (as far as possible and except for impediments of law) with family of origin.

The removal of a child must meet certain principles:

- 1) Except in very serious and specific situations the minor must be prepared, first by explaining the situation to the parents and the child and requesting their cooperation by preventing or reducing the trauma of separation from the child. Moreover, the removal should be gradual.

-
- 2) There is an order of priority according to which the child, as a rule, must be placed in a foster family, and only where this is not possible (because there is no family or no family has the capacity to accommodate that difficult child) the inclusion of the child in a family-type community is allowed.
 - 3) The temporary placement in a community (the project must not exceed two years if necessary with the possibility of extending the period following a request to the Juvenile Prosecutor's Office).

4. How is the access of children to be heard and to complain about decisions made about their lives?

The Convention on the Rights of the Child (article 12) provides that the child is heard in judicial and administrative proceedings concerning him. In compliance with this rule, the Juvenile Court, before taking a decision concerning a child, decides direct and/or indirect listening (through the operators) of the minor.

Listening to the child in the legal field – some points for reflection. Within the process it is sometimes necessary to have the hearing of the child which, if not conducted in the most appropriate forms and methods, can be invasive and harmful to the minor.

Article 155 sexies (1) of the recent law of February 8, 2006, number 54 has in fact become compliant (although the Act does not speak of "obligation" of the Judge) providing for interviews with the child in cases of separation, hearing that, according to Art. 4, paragraph 2, of the same story, should be used in proceedings for dissolution, termination or invalidity of the civil effects of marriage, and in proceedings related to the children of unmarried parents, all of those cases where the conflict between the parties is often very strong, and in cases where the child and the hearing of the latter as well may be exploited by their own parents.

The listening in hearing should always be applied,

regardless of age, just to "test" the discernment of the child. The psycho-pedagogical sciences have identified around the age of six/seven years the period in which the child acquires certain categories of rational and logical thinking - in particular the principle of reality.

It is important that the operators of the family Law, and children in particular, are in full agreement with regard to the criteria that guide the specific audience of children at all stages of proceedings concerning them, not only in "litigation" but, sometimes, even in cases of consensual when, for example, the court must make a decision regarding custody or how to handle children. Listening to the child, the boy, the adolescent, the judge is often able to "listen" more closely to the whole story of the case that concerns parents and children together. Listening to the child should follow the rule of the child benefit itself, and then the audience would not be prepared by the court to the extent that the hearing conflicts with the interests of the child.

It is important to remember that the child may expressly request that one or both parents, or even a person outside the family, are present at the Judge hearing. The court should consider carefully the said request in the light of specific child's right to emotional and psychological support for the entire duration of the process.

The Judge, before hearing of the child, must adequately inform the latter that he has the right to be heard within the process and must also explain him the reasons that are the basis of his involvement, as well as possible outcomes of the procedure. In that regard, see Article 3 of the European Convention on the Rights of the Child, which provides that in proceedings relating to him before a court, the child, who is considered by internal law as having a capacity of discernment, is granted the rights to receive all relevant information, to be consulted and express his own opinion, to be informed of the possible consequences of these views and the possible consequences of any decision.

