

Special Section:
Children's Rights: Contemporary Issues in Law and
Society (Part 2), edited by Maria Federica Moscati,
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INTRODUCTION TO THE SPECIAL SECTION (PART 2)

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Happiness is me when I wake up in the morning, and I smile.

(Quoted from the project Children, Law and Happiness)¹

Why don't you talk about children in war?

Where can we learn about children's rights?

(Quoted from meetings on children's rights with children in Italy)²

A THANK YOU BEFORE THE INTRODUCTION

I wish to start this introduction by thanking the children who have inspired this Special Section.³ I will then move on to present the Special Section (Parts 1 & 2).⁴

Dear Children/Young People,

Thanks for motivating me to edit this Special Section.

Thanks for the conversations, in person and online, we had over the last two years. Thanks for your questions and for your advice. Thanks also for your criticism. Among others, my appreciation goes to the young people who have contributed to

* I wish to express my gratitude to Michael Palmer, Marie Selwood and Narayana Harave for their invaluable support.

¹ Ethics Certificate of Approval: ER/MFM30/3 (Social Sciences & Arts C-REC, University of Sussex). Empirical data was collected between 2018 and 2024 through art-based research methods involving 500 children and adolescents in England, Italy, Brazil, China, Germany, Bolivia and China.

² In person meetings held in Italy between 2022 and 2024.

³ The content of the letter is my responsibility alone and is not attributable to the journal, the Institute of Advanced Legal Studies or the authors that have published in the Special Section.

⁴ Part 1 is available in *Amicus Curiae* Series 2, Volume 5, No 2.

this Special Section (see Hope & Ors in this volume), the child who contributed a drawing to Part 1 of this Special Section, the children attending the Italian School in London,⁵ the children attending the Istituto Comprensivo Statale Picentia,⁶ and those from other schools in European countries who invited me to the online workshop ‘Children’s Rights Seen through Children’s Eyes’.⁷ Thanks also to the children who agreed to write for this Special Section but then, for several reasons, could not submit.

During our conversations, we touched upon so many aspects of children’s rights—what they are, why some children are not protected, why parents always have the last word, how you can learn about children’s rights, and how I should do research on children’s rights. You showed me that knowledge about children’s rights is still not accessible to all children, that the voices of several of you are not heard, that it is embarrassing for adults that so many rights and children’s lives are neglected. You advised me on how to make academic publications accessible to you. In your words, you articulated and made visible the inconsistency between the theory and the practice of children’s rights. But you also suggested how to start addressing that inconsistency, including by inviting children to publish in this Special Section, leaving them free to explore the topic they wanted and using the means they preferred.

When discussing what in your view were the important topics and rights to talk about, you (rightly) pointed out that all topics concerning children and all children’s rights are equally important, but one of you asked me: ‘Why don’t you talk about children in war?’ Thus, I wish to express all my support to the children in Palestine, Burkina Faso, the Democratic Republic of Congo, Myanmar, Somalia, Sudan, Syrian Arab Republic, Ukraine, Yemen and to all children involved in or affected by armed conflicts—their rights are violated and, apart from blaming each other, the adults who caused those conflicts are hardly doing enough to stop the killing, torturing, abuse

⁵ SIAL School [website](#).

⁶ Istituto Comprensivo Statale [website](#).

⁷ Online 29 November 2023. The schools involved were: C Picentia—Italy; Collège Marcel Cuynat—France; Osnovna Škola Laslovo—Croatia; Lepi Poti Public School #4—Georgia; Olcay Külah Ortaokulu—Turkey; Başiskele Gübretaş Ortaokulu—Turkey; Kiskunfélegyházi József Attila Általános Iskola—Hungary; Școala Gimnazială “Professor Paul Bănică”—Romania; Școala Gimnazială “dan barbilian”, Galati—Romania; Kynopiastes Primary School—Greece.

and neglect of those children!⁸ When you asked that question, you encouraged me to reflect on my work as a researcher and activist, and so I believe that current children's rights discourses and research should be re-thought in light of the horrendous violations happening at this very moment. The academic and research communities need to be held to account and be guided by children's own priorities.

Although it is well-known that the notion of childhood, the boundaries between childhood and adulthood, and the interpretation of the United Nations Convention on the Rights of the Child 1989 are socially constructed (for a comprehensive and accessible overview, see Tisdall & Konstantoni 2023), in our conversations it was even more striking the gap between how children see themselves and their rights, and how adults do. It was also obvious that how we communicate is so different. Thus, this Special Section is an attempt to address some of your questions and advice.

Powerfully, the young people who contributed to this Special Section highlighted the importance of poetry, as it “offers a condensed form of communication that can be especially accessible to children and young people” (Hope & Ors, this volume). Thus, trying to communicate my appreciation for you, and also because poetry helps me with my cognitive limitations—it makes writing in another language less self-judgmental and performative for me—I end this letter with a poem dedicated to you.⁹ But the poem is a work in progress; if you think other stanzas should be added, just email me and I will add yours.¹⁰

If you wish to listen to me reading the poem, then please follow the link below.

Introduction to the Special Issue and reading of the poem

I AM A CHILD

⁸ For a comprehensive overview, see [Secretary-General Annual Report on Children and Armed Conflict](#), 13 June 2024.

⁹ I wish to thank my dear friend and poet Barney Ashton-Bullock for guiding me in this endeavour.

¹⁰ Feel free to email me at m.f.moscatti@sussex.ac.uk. Changes will be made to the version of the poem uploaded onto my university profile.

I AM A CHILD

I am a child

Nennella

Criança

Niña

Wonderment stirred not dulled

Spirit budding not hulled

I am a child

孩子

طفل

Mtoto

Knowledge created not imposed

Power is mine not only yours

I am a child

Nwa

கழந்தை

Zarok

These bombs are not mine

These bombs are just yours

I am a child

শিশু

Ume

Ingane

Identity to nurture, not suppress

A voice, a body ... don't neglect! Respect!

And many, many more

A happiness inside

If left free to retrieve ...

If gifted love to believe

But tell me, stranger, please

Who do you think I am?

[A] THE SPECIAL SECTION: A COLLABORATIVE JOURNEY

To fulfil the children's advice, this Special Section was driven by a twofold aim. On the one hand, centring children as creators of knowledge, offering them a space to convey their knowledge while using their preferred means. On the other hand, accommodating various ways of discussing, doing research on and writing about children's rights. In this endeavour, several questions arose in relation to how to negotiate the *100 creative languages*¹¹ that children and young people use to create knowledge and express themselves in the context of the rather structured and homogenising tradition of academic writing. Although it is not the first time that—as editor—I find myself reflecting on how to balance pushing the boundaries of academic writing and working within academic parameters,¹² this time I found it more challenging, owing to the different epistemic registers involved in the production of this Special Section.

I went back to the notes I had taken during meetings with children in Italy, and it was apparent that the children with whom I talked gave me clear advice on how to proceed towards a more collaborative (and fun) publication process. They showed that all issues concerning children's rights demand attention while suggesting creative ways to write about children's rights. Overall, the children encouraged me to adapt the Special Section to authors' creativity, choices and languages. Therefore, the title and the aim of this Special Section were purposefully designed broadly in scope (in other words, the label "Special Section" was chosen just to group the articles that focus on the broad theme of children's rights). We welcomed researchers, activists and practitioners from different disciplines, backgrounds and geographical areas. We also offered the possibility to non-academic contributors, who could not submit written essays, to be audio recorded and then have their recording transcribed by the editor.¹³ Children, young people and youth activists were invited to contribute using the means they preferred.

We drew upon the Reggio Emilia Pedagogical Approach and Loris Malaguzzi's 100 Languages, according to which:

¹¹ See [Reggio Emilia Approach](#).

¹² Similar questions arose in the context of the publication of the edited collection *Queer Judgments* that I have had the honour of co-editing with Nuno Ferreira & Senthoran Raj (forthcoming, Counterpress, 2024). See info at the [Queer Judgments Project](#).

¹³ Ethics Certificate of Approval: ER/MFM30/24 (Social Sciences & Arts C-REC, University of Sussex). Three paediatricians kindly talked to me and some of their answers have informed this introduction.

The child has
a hundred languages
a hundred hands
a hundred thoughts
a hundred ways of thinking
of playing, of speaking.¹⁴

Consequently, this Special Section welcomed creative pieces. Contributions have taken the form of essays, letters, creative writing, reflective writing, drawings, poems, spoken poetry, videos and audio.¹⁵

Further insights into how to develop this Special Section emerged during the meetings I had with Kristen Hope and the group of young people and activists who contributed to it. Questions concerning copyright, ethics and language arose, highlighting how academic writing—as it stands at this very moment—is obsolete and auto-referential. Thus, we prioritized the inclusion of children’s and young people’s productions in their own terms, without pushing them to be infantilized or to shape their voice according to what is considered academically rigorous and publishable. Although conscious about emphasizing the obvious, my conversations with children and young people pinpointed all the practical aspects of academic writing embedded in colonial, elitist, adult-centred and ableist traditions.

In this regard, decisions on academic style, and whether to use languages other than English, swear words and profanities, required particular attention. Writing in non-native languages undermines and empowers at the same time; it requires shifting, acceptance, self-confidence and resilience that—as human beings—we do not always possess. The efforts that non-native speakers make to adapt to another language and style of academic writing are often overlooked, whereas the rules of rigorous/plain/clean/publishable academic writing are imposed without questioning their very colonial and elitist nature. That imposition is generally uncritically accepted and normalized. Language and academic style are political and can be used politically, at the same time to embrace and to exclude. For the non-native speaker choosing to adapt to a certain language and academic style represents not only a matter of grammar or syntax, but also prompts deeper reflections and compromises about cultural power imbalances.

¹⁴ For the full text of this poem, see [100 languages](#).

¹⁵ See all multimedia content on the *Amicus Curiae* dedicated [YouTube channel](#).

The young writers who participate in this Special Section have transparently described the challenges that writing in another language brings (Hope & Ors in this section):

One significant challenge was the language barrier, with some young writers expressing that it was their first time writing poems in a non-native language. Though there was no obligation to write in a non-native language, they faced hesitation in expressing themselves in their native languages. The difficulty in translating ideas and the fear of misinterpretation while translating influenced this decision. Some felt it challenging to choose suitable words to make the writing decent.

Thus, this Special Section welcomed the publication of works in languages other than English too.

Another issue concerning language is the use of swear words in academic writing and academic writing concerning children. In the paper by Blaisdell and others, swear words are used. The authors clearly explain that:

[I]n keeping with the enmeshed nature of researcher and researched, particularly as two researchers are women of colour, we use swearing in one section via spoken-word poetry. Swearing is framed as a coping mechanism and response to narratives witnessed in the project, alongside the navigation of systemic racism and the colonial edifice that children and young people of colour and their families are forced to navigate. There will be usage of Pavi's mother tongue, Tamizh (Tamil), via phrases and a few sentences alongside translations, capturing these intimate reflections.

It has been shown that swear words and profanities can serve several personal, relational and social functions; deciding whether and how to use them depends on the context and on personal reasons; they are both related to emotions (Ashwindren & Ors 2018; Stapleton & Fägersten 2023). The journal's production team, the general editor of the journal and I—as editor—reflected on this.¹⁶ We discussed, and we felt that the use of profanity was appropriate in this context and was not meant to inflict harm. We were inclined to allow the swear words and profanities in the interest of freedom of expression and authenticity. We knew we had the option to “bleep” out the words in question, but we were reluctant to do this, as the text is powerful and, when the phrase is used (as a “chorus”), it is not directed at an individual but used as a form of emphasis.

¹⁶ See, for instance, the Oxford University Press's [Ethics Guidelines](#) on publishing; [COPE Code of Conduct for Journal Editors](#); OFCOM's [Ofcom Guidance on Offensive Language](#) on radio; and the BBC's [Editorial Policy Guidance Note: Language](#).

The reader might now expect that this Special Section includes plenty of works authored by children and young people. This is not the case. Some of the groups of children and their teachers who agreed to contribute did not submit, owing to other school commitments or lack of interest in academic publications, or for finding academic publishing intimidating or boring. Thus, “to ensure children and young people’s participation is not only the *subject* of such knowledge production but also part of the *process* of such knowledge production” (McMellon & Tisdall 2020: 172), further conversations with children and young people are needed to understand how to innovate academic writing by making it *child-led* and not only *child-friendly* and to ensure that children are the protagonists of such works (Liebel & Ors 2023).

Although creative methods have demonstrated to be important to involve children and young people in academic publications (Kara 2015; Tatham-Fashanu 2023), more is needed. My conversations with the children emphasized how children’s rights and how we learn/research/talk about them is very much about bodies and movement. Working with children on academic writing requires us to overcome the separation between brain, emotions and bodies in academic writing *on children*. To achieve that, a humble shift in epistemic hierarchy on the academics’ side should happen. I believe that academic researchers should start by questioning the level of participation in deciding whether and how to use specific theoretical frameworks to investigate children’s lives. Even when we, as researchers, adopt theoretical frameworks that aim to break epistemological hierarchies, we should ask children and young people if they agree with our approaches. We should then involve children and young people in the whole process of publication by reshaping traditional academic publications according to what children and young people experiment ... still keeping high standards of quality but leaving children and young people to decide what “high quality standard” means. Of course, in this shift we need to be mindful of all ethical implications and avoid ethics paternalism (Alves & Ors 2022). Participation is not static, and it does not happen in a vacuum; it is naturally in motion and so, therefore, should be academic research and publishing about children’s rights.

[B] THE SPECIAL SECTION: THE PAPERS, THE POEMS, THE VIDEOS

The contributions in this Special Section (Part 1 & Part 2) feature analyses of several topics concerning the nature, application and knowledge of children's rights. A common motif that emerges from the papers published in this volume and in Part 1, and that also reflects the more general *status quo* of children's rights nowadays, is that more than ever children's rights now appear to be aspirational! The inconsistency between the rights *in the books* and the *lived rights* is evident. Together with all the examples offered by the contributors, I believe that the aspirational dimension of children's rights is also performed by some adults with recourse to erasure of identities and by overlooking the silence of those children who, for their own safety, prefer to stay silent. One of the participants in the project "Children, Law and Happiness" suggested that "Happiness is me when I wake up in the morning, and I smile." This answer, and the drawing that came with it, made me wonder how many (children) "me"s can say the same. The papers in the Special Section show that several "me"s are not happy because social, political and cultural factors have profound impact on whether children's rights are implemented and respected. Thus, not removing those barriers represents one of the faces of structural violence (Galtung 1969: 175) that cannot be tolerated anymore.

The paper by Caralyn Blaisdell, Fatmata K Daramy and Pavithra Sarma opens Part 2 of the Special Section. The authors reflect on their experience with the project "The Impact of the Covid-19 Pandemic on Children of Colour in Scotland: Visions for Change". Using creative writing, spoken word poetry, images and reflective writing, the authors highlight how the relation between the researcher and the researched is linked to extractive practices, ethical care and navigations of systemic racism in children's rights research with children of colour. The authors do so by positioning themselves and their personal narratives, at times, as axles within this piece of work using Unarchigal (உணர்ச்சிகள்)—Modalities of Resistance, which is an embodiment resistance approach created within postcolonial radical feminist autoethnography.

In her essay, Susie Bower-Brown encourages the reader to reflect on the evolving nature of the conversation around gender identity among young people. Although there is a growing recognition of gender diversity within schools, this recognition is accompanied by widespread debate and highlighted by the United Kingdom (UK) Government's recent introduction of controversial draft guidance that in schools bars social transitioning. Central to this debate is the concept of safeguarding. By

offering a thorough and critical examination of the current discourse concerning gender-diverse students in schools in the UK, the author sheds light on the manner in which the wrong construction of gender-diverse children together with the misuse of safeguarding unjustly limits the rights and autonomy of gender-diverse children and young people.

Debra L DeLaet, Brian D Earp and Elizabeth Mills dig into the limitations of international and national legal frameworks concerning the protection of children with intersex traits against involuntary medical interventions on their sexual anatomy. After reviewing relevant international human rights laws and national laws, the authors comment on the current inefficient and limited legal protection of the rights of intersex children. The authors show how the rights of intersex children to bodily autonomy are hindered by a variety of intersecting cultural, legal, medical and political factors, and rightly suggest that to overcome such limitations a multifaceted approach encompassing legal reforms, increased education for medical professionals, cultural transformation and consciousness-building at a societal level is needed.

The article contributed by Marianna Iliadou on “International Surrogacy and Stateless Children: Article 7 UNCRC and the Harmful Effects of Statelessness” explores the extent to which conflicting national laws and opposition by national authorities undermine children’s rights in international surrogacy arrangements. In particular, by focusing on statelessness arising from such arrangements, the author critically suggests that Article 7 of the UNCRC should be interpreted together with the Verona Principles. Such combined and holistic reading and application of Principles and children’s rights would address the broader social, legal and personal implications that statelessness creates for children.

Carmelo Danisi and Tomas Caprara, focusing on sexual abuses perpetrated against children by members of the Catholic Church, offer insight into the challenges posed by applying the UNCRC to the Holy See. They argue that, despite the Holy See’s ratification of the UNCRC, the rights and the best interests of children are overlooked due to, among other factors, the unique international legal standing of the Holy See. Taking also into account the latest reform of Pope Francis, the authors show how the Holy See can be held internationally responsible for the violations of the UNCRC originating from the sexual abuses perpetrated by local bishops and priests.

Maria Mercedes Frabboni engages the reader in a reflection concerning the concept of children as authors and creative entities through the lens of Maria Montessori’s educational philosophy. Her contribution addresses

the critical question of whether current copyright laws respect and protect the creations by young authors. Drawing upon Montessori's insights into children's creative freedom, the author argues that the early years are crucial for children to exercise their creative authorship, allowing them to showcase unparalleled freedom and originality. To fully respect and celebrate the creations of children, Maria Mercedes advocates for a copyright law framework based on the UNCRC.

Chelsea Wallis contributes this Special Section with a poem that addresses the subjective experiences of neurodivergent children within the classroom. The poem gently walks the reader through the experiences, voices and feelings of neurodivergent adults who talked with the author to share their reflections on their years at school.

Kristen Hope, Dhruv Bhatt, Januka Jamarkatel, Brian King, Osish Niroula, Jeshis Jamarkatel, Siroun Thacker, Purnima Bhattarai, Rodoshee Sarder, Samikshya Dahal and Prathit Singh gift the reader with a ground-breaking contribution "Poetry for Rights! Intergenerational Co-creation for Child Rights Scholarship!" This collective work, undertaken by an inspiring group of child rights advocates, including children, young people and an adult ally, using narrative, poetry and videos, manifests that intergenerational scholarship on children's rights is achievable. In theory, as for the other contributions, I should offer here a summary of the paper. However, I believe that you, the reader, should read the essay and listen to the poems just following your emotions and without any guidance. I wish, however, to share with you that meeting this group of authors has been empowering for me as a researcher, activist and editor! I have met with them twice since 2023. The first time, we introduced ourselves to each other and had a conversation on how they could develop their contribution in a way that "would not leave the child behind" and would not overlook the reality that all children and all their rights (even when violated) are contemporary and important. The second meeting offered me the opportunity to learn more about their work-in-progress and to answer technical questions about publications. Both encounters were for me precious gifts of knowledge, acknowledgment and gratitude. We saw each other, we connected with each other, and, to put it in Giovanni Allevi's words, I thank all the authors of "Poetry for Rights!" for showing that we can lose a lot, but never "the hope, and the wish to imagine".¹⁷

¹⁷ Monologue by Giovanni Allevi.

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Legislation, Regulations and Rules

United Nations Convention on the Rights of the Child 1989