

An Interview with Professor Laura Lundy

Alison Kearney



INTERVIEW

Recently, Alison Kearney interviewed Professor Laura Lundy, the co-director of the Centre for Children's Rights and a professor in the School of Social Sciences, Education and Social Work at Queen's University, Belfast. Laura is co-editor-in-chief of the *International Journal of Children's Rights* and has expertise in children's rights to participate in decision-making and education rights. Her 2007 paper, *'Voice' is not Enough*, is one of the most highly cited academic papers on children's rights, and the model of children's participation it proposes (based on four key concepts - Space, Voice, Audience and Influence) is used extensively in scholarship and practice. The 'Lundy Model' of child participation has been adopted by national governments and used by international organisations such as the European Commission, World Health Organisation and global non-government organisations such as World Vision and UNICEF.

Professor Lundy, I wonder if you could tell the readers a little bit about yourself and how you became involved in children's rights.

My background is in law. I started after I graduated from university qualifying as a barrister, and then very quickly got my lectureship in law. My initial interest was not in education or children's rights at all, it was in poverty law, and employment law. I did my Masters thesis on trade unions and striking, but at one point in my career, while I was writing a lot on social security law and employment law in the mix, I became involved in helping a family member whom we now know had Asperger's Syndrome. The school wasn't really doing anything or helping him so my family called me in to speak to them. I spoke to his school and they said that they couldn't do anything because he didn't meet the legal requirement for 'statementing'. As a lawyer I felt that this couldn't be right, you can't just say you are not doing anything so I went back to the law library in my university, and got out the education law statutes. As soon as I started delving into education law, I became hooked. I hadn't realised that there would be a whole body

of law for education, and as I started reading it, I realised that in particular, the special education law, as it is still called here, was so complex that I was struggling to understand it. I realised that if I was struggling to understand it, there was no chance that parents like my family members and many other parents who were trying to get support for their children were going to understand it. I then started writing on that: first I wrote a book moving into children's rights. Obviously, looking at education law you have got to look at human rights, however, initially, my interest was not so much children's rights, it was minority rights because, in Northern Ireland, we were looking at a very problematic school system in the context of a conflict. Later, we got our first Commissioner for Children and Young People, and he put out a tender for research on children's rights. I ended up in a coalition across the university which was quite by accident - I think I was kind of pushed forward to run it. It was from then on that I began to really gain a lot more knowledge and understanding of children's rights, and to be absolutely frank, a lot more respect for it, beyond the human rights framework. I used to be one of the people that didn't really understand why children's rights were necessary nor indeed the power that they bring, so that experience and that project for our children's commissioner completely transformed my academic career, and my attitude to that whole body of human rights.

You were the founder of the Centre for Children's Rights at Queen's University. Can you tell us a little about this centre?

I think we are really distinct. There are other centres for children's rights globally, but they tend to be established in law schools, and run by lawyers and populated by lawyers. These centres do a very distinctive type of children's rights - a really important type - but they don't tend to be interdisciplinary in the broadest sense, and really don't tend to be as applied as our centre. The centre at Queen's University, Belfast, was established in our Education School, which is interdisciplinary. We also had all of the quantitative statistical people

as well as people who were very interested in qualitative research, and in particular, participatory research for children. This is where we position our centre globally. What we have become most known for is our work around child participation, and that comes about for a number of reasons. First, I suppose, it's because I'm very well-known for my work in child participation and the 'Lundy Model', and that has attracted attention. However, from that we have developed our own methodology for research with children, which we call children's rights-based research. We have written a lot about that, and this has had some uptake by other academics, but has also been picked up by the international child rights community. We do a lot of research for them with large consultations with children on issues to do with children's rights, so that is what we're primarily known for.

Can you tell readers why you think that children's rights are so important?

I think you must start with the same reason that human rights are so important - children's rights are human rights. Human rights are there to keep states accountable for what they do, and in particular, whenever they abuse power. However, expressed more positively, it is more than just abusing power; whenever they are acknowledging that there are certain fundamentals to which every human being is entitled, it is the government's responsibility to ensure that they have them. This comes down to three things - dignity, equality and respect for the worth of a human person. What is particularly important about children's human rights is having a document like the Convention on the Rights of the Child, which articulates a bespoke set of rights for children. It explains what dignity, equality and the worth of a human person means for a child - for instance, the right to be heard. Every adult has the right to freedom of expression, but adults don't have a right to have their views given due weight. That extra part in Article 12 of the Convention is there in recognition of the fact that children are often not in a position to influence the decisions that are made for them so that articulation is incredibly important. Moreover, children often are considered within their family group, so what was good for the parents was accepted as good for the child. The vast majority of times what parents want and what the child's rights aligns, but sometimes it doesn't, and we need something that's independent and separate for children, with states obliged to ensure that it happens.

How do you see children's rights playing out in the school system? How should they play out in the school system; what are the things that we need to do?

Well it depends what school system you're talking about, because of course we have very diverse approaches to education. We have had the *Millennium Development Goals* and we now have the *Sustainable Development Goals* which are very much about getting children into school. However, we know that beyond access to school, and attainment at school, a child rights-based approach means that that whole experience must be 'rights respecting'. This means that it is not just about children attending school and doing well academically; it is about the full range of the aims of education articulated in Article 29 of the Convention on the Rights of the Child. This emphasises values like tolerance, respect for difference, knowledge and awareness of human rights themselves, respect for parents, respect for their own culture and so forth. This is a vision of what a rights-based education should be for every child. However, in addition (and this is the bit where I suppose my own work features mostly), it is not just *what* they should be taught or *what* they should learn, it is about the whole experience in school - one should be rights-respecting. That is the most effective form of human rights and child rights education - that is that children should be treated with respect and dignity, whether that is in disciplinary processes, in responding to their individual and personal needs, including for children that have learning difficulties or a disability. It means hearing them and taking them seriously. It is also about keeping them safe because what we know worldwide is that many children are not safe in school, and this is not just a case of children who live in areas of conflict, or children in areas where there is a high level of sexual harassment. Children everywhere experience sometimes horrendous bullying and their school is not a safe place, so it's addressing all of that - that's what a rights-based approach to education is, in a snapshot.

What is it that you think teachers and school leaders need to know and do?

I work with a lot of teachers - a lot of my teaching is with teachers, which I love: it's one of the reasons I moved from law. Often when you look at what schools say in their mission statements, or their vision statements, it just looks like a manifesto for a rights-respecting school, because of the language of 'child-centredness' and 'respect' - all of those things completely align with a human rights and child rights-based approach. However, what I've found is that sometimes what people think it is, and what it actually is, are not necessarily the same thing. I've found more traction over the last decade with professionals like teachers and principals (although not explicitly them), explaining what it's not and

sometimes when you explain what it's not, you bring out more clearly what it actually is. For example, it's not pity and it's not well-being, and it's not just participation, and it's not protection - it's a complex mix of all of those things and beyond. It's not just throwing articles of the Convention at them and them saying, 'yes we do that', it's actually focusing on where the challenges and tensions are, because human rights ultimately are most important when they're at risk, whenever they're breached. It is when we understand what those key challenges are, what takes you to a breach of human rights, whether it's through conflicts of rights or resources, that's where the understanding needs to be developed, and that's what I would want to say to teachers and principals.

I think it is worth noting, and I wrote this in a recent piece of work on global perspectives and the right to education, there is not one country in the world where children do not have their rights breached in school, it just depends, the breach changes but there's always something happening. States are obliged to move through a process of progressive realisation of children's rights as expeditiously as possible. Some things are absolute and should happen right away, and other things they should be working towards as fast as they can.

In relation to education specifically, or in general, what do you think are the greatest gains that have been made in relation to children's rights?

If you were focusing on the global picture outside of developed rich countries like ours it's clearly that more children are in school. And it is not just that they are in school; the quality of education has improved in many places, so there's no question that's really fundamental - improved access to education, and particularly access to education for girls. However, if you take societies like ours, and you think about what the greatest gains are, I'm not sure the gains were made because of the child rights framework: some of the greatest gains that we have seen in our education systems are in relation to having pedagogies that are much more about engaging children, and attending to issues like the great work that the Equity Centre at Massey University does on diversity and respect. All of this has come on so much in the last decade for various reasons that may include greater attention to children's rights. However, there are two things that you can only attribute to child rights. One is knowledge of rights, and the second is children's participation, because these are the two things where you can say, yes, they have been driven by a rights-based framework. Of course knowledge of child rights in most cases is still very poor amongst teachers, and amongst children but, leaving that

aside, there have been movements like the Rights-Respecting Schools Award in the UK that has got a lot of traction internationally. Also, in relation to child participation, there's a movement, a student-voice movement running along in parallel, and it was often using, as its base, school improvement, or citizenship. I think the child rights impetus, and the legal and moral imperative around that, has really helped bolster the student-voice movement: you would not have the kinds of structures that we see in schools if we hadn't had that child rights frame with which to understand it and with which to promote and advocate for it.

And what do you see in relation to education; what's still the important work that we need to do in relation to children's rights, particularly within education?

I get asked this question a lot because of course people will come to me and ask what should they do a PHD on! I think there are areas that get a lot of attention, like student voice. I think there are some that receive less attention - such as 'freedom of conscience'/religion within schools. It bubbles its way up as a controversy from time to time, and often a very hot controversy. The kind of research that we need to do is to really understand how children's rights and parents' rights can be accommodated within a state school system - this is an area where I think more work needs to be done. Also, I still think there is a need for more work on children with learning difficulties. I acknowledge that there is a huge amount of work on inclusion, and I'm not going to dismiss any of that, but I'm not sure how much of it is fully rights-based. Also, because the Convention on the Rights of the Child leaves out any reference to sexual orientation, there's very little looking at the experiences of these children and young people from a rights-focus, so more of that would be very welcome. The other thing that is receiving attention in Europe (and I'm not sure, it could well be in New Zealand too given everything that has happened here), is what they call 'radicalisation' with schools having a controversial 'prevent' duty.

Laura, what are you currently working on?

I am working on a project for the United Nations. We worked with the UN Committee on the Rights of the Child on a project called *Children Human Rights Defenders*: we led a global consultation with children for the committee when it had a Day of General Discussion in 2018. We consulted with over 2000 children who are human rights defenders. Of course there is much more attention because of *Fridays for the Future*, and child activists such as Greta Thunberg and Malala Yousafzai, and the

Parkland children. In some ways, the UN and other adults are playing catchup - children just left them behind claiming their own human rights when adults did not secure them. Adults don't always see children as human rights defenders, but children are doing it anyway, and we now need guidance as to what states should do to protect children's rights when they act as human rights defenders. A lot of this is in the online space, and what I'm doing is taking the UN Declaration on Human Rights Defenders and working my way through the Rights of the Child, undertaking a legal analysis. I am also drawing on the data from our study with children themselves to say what the issues are, and what the responsibility of governments and others is, to ensure that these children are able to act as human rights defenders safely and effectively.

Laura thank you very, very much for your time. I wish you well with the important work that you are engaged in.

BIOGRAPHY

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Laura Lundy is co-director of the Centre for Children's Rights and a professor in the School of Social Sciences, Education and Social Work at Queen's University, Belfast. She is co-editor in chief of the International Journal of Children's Rights. Her expertise is in children's right to participate in decision-making and education rights. Her 2007 paper, 'Voice' is not Enough' is one of the most highly-cited academic papers on children's rights, and the model of children's participation it proposes (based on four key concepts - Space, Voice, Audience and Influence) is used extensively in scholarship and practice. The 'Lundy Model' of child participation is core to the Irish National Children's Participation Strategy (2015) and has been adopted by international organisations such as the European Commission and global NGOs such as World Vision.

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INTERVIEWER PROFILE

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Dr Alison Kearney is the Head of the Institute of Education at Massey University, New Zealand. She is co-director of the Equity Through Education Research Centre and a member of the editing team of Kairaranga. Prior to taking up her position at Massey University, Alison was a primary school teacher. Her teaching and research interests include education for equity, children's rights and inclusive education.

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