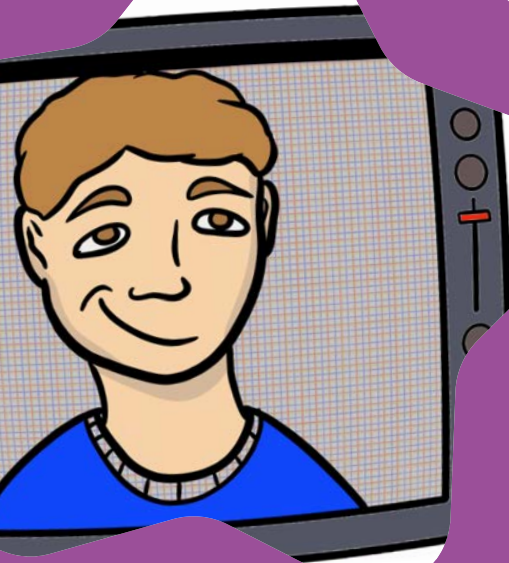


4

ACRISL

Toolkits for children and practitioners

Advancing **Child
Rights**
Strategic
Litigation 



Extra-legal Advocacy in Child Rights Strategic Litigation

(communications, the
media and campaigning)

What is child rights strategic litigation?

Our definition of *child rights strategic litigation* is:

'litigation that seeks to bring about positive legal and/or social change in terms of children's enjoyment of their rights'.

It is where the aim of the litigants is broader than just resolving a problem for an individual child; rather, the litigation seeks to bring about legal and/or social change that will benefit all children or a category of children.



About these toolkits

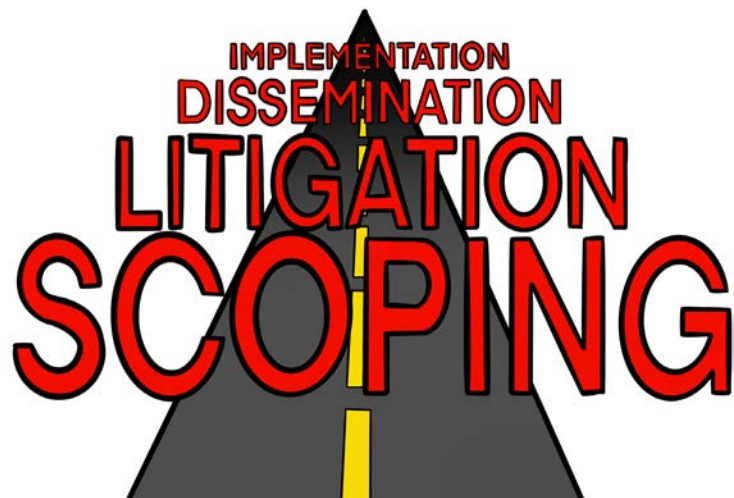
This is a series of 4 toolkits about child rights strategic litigation.

These four guides can be used by children who are involved in or interested in bringing child rights strategic litigation.

They can also be used by lawyers and others seeking to support children through the strategic litigation process.

We hope these toolkits can act as empowerment tools to increase children's engagement in and understanding of strategic litigation, while providing practical tips and ideas for children and practitioners.

The toolkits have been produced as part of the Advancing Child Rights Strategic Litigation project, www.acrisl.org



We have identified four stages of decision-making in child rights strategic litigation and have developed a toolkit for each stage.



The scoping, planning and design of child rights strategic litigation



Operationalising child rights strategic litigation



Follow-up to child rights strategic litigation



Extra-legal advocacy in child rights strategic litigation (communication, the media and campaigning)

This is toolkit 4: it is focused on extra-legal advocacy

Background to these toolkits

For this project we listened to the voices of children and young people (CYP) in the UK and South Africa. We thank them for their help which will undoubtedly contribute to changing the way in which litigators work with children to bring about legal and social change.

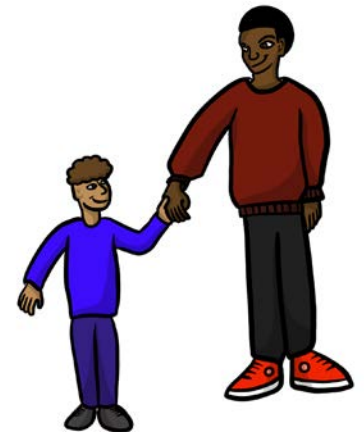
The CYP told us that it was important for them to be able to use the law as a tool to make change in the world. However, they made clear that there were barriers to them doing that, which included a lack of knowledge, awareness and tools.

The CYP we worked with told us what they believe lawyers and others who want to work with children on strategic litigation need to do.



What practitioners can do to enable children to participate in strategic litigation.

1. **'Treat children as equals'** (this can be hard because the law is complex and often inaccessible even to adults)
2. **'Take children's views seriously'**
3. **'Allow children to voice their own opinion'** and ensure that opinion is considered as seriously as those of practitioners and other adults
4. **'Make room (and time) for children to participate'**
5. **'Provide guidance and knowledge'**














What is the UN Convention on the Rights of the Child (UNCRC)?



1. The UNCRC is a statement of children's rights
2. It is the most **widely ratified** international human rights treaty in history
3. Children and practitioners may want to refer to different parts of the UNCRC (e.g., the different articles that rights are set out in) in their legal arguments. This might include referring to General Comments produced by the body that monitors whether states are giving effect to the UNCRC (the UN Committee on the Rights of the Child). These are considered authoritative guidance for interpreting the articles of the UNCRC.
4. UNCRC rights can also be used as a framework to shape the way that litigation is carried out by lawyers and others.

UNCRC rights that should play a key role in shaping the way that strategic litigation work is carried out by lawyers and others

 <p>Article 12(1) Right to be heard</p>	 <p>Article 13 Right to freedom of expression</p>	 <p>Article 17 Right to information</p>
 <p>Article 5 Evolving capacities of the child</p>	 <p>Article 2 Non-discrimination</p>	 <p>Article 3(1) Best interests</p>
 <p>Article 19(1) Right to protection from all forms of physical or mental violence, injury or abuse, neglect or negligent treatment, maltreatment or exploitation</p>		 <p>Article 16 (1) Right to privacy</p>
 <p>Article 6 Right to life, survival and development</p>	 <p>Article 39 Right to physical and psychological recovery</p>	 <p>Article 4 Appropriate legislative, administrative and other measures for the implementation of the rights recognised in the present Convention</p>

CASE STUDY

R (Tigere) v Secretary of State for Business, Innovation and Skills - UK Supreme Court & Let Us Learn



Beaurish Tigere came to the UK lawfully from Zambia when she was 6 years old. She was not a citizen but she was legally allowed to stay in the UK. She completed all of her primary and secondary education in the UK, achieving very good grades, as well as being Head Girl at her school. She received many offers to study at university but she couldn't apply for student loans as she didn't have "settled" immigration status. In 2015, she challenged the refusal to give her a student loan. She argued that the criteria for getting a student loan went against her **human right to education**, and unfairly **discriminated** against her due to her immigration status. The UK Supreme Court found that the blanket exclusion on access to student loans based on her immigration status went **against** her right of education, and was unjustifiable discrimination. Some of the young people with the same problem joined the case and set up an organisation called Let Us Learn to do more work on the issue.



What is the difference between communication, media and campaigning?



Communications

The way the story is told



For example:

This is a story about bright, motivated and ambitious teenagers who are blocked from taking up their hard-earned university places. Many had overcome impoverished family circumstances to excel at school. They are being refused government-funded student loans, and therefore the chance of going to university.

Media



How you engage with the media

For example:

Chrisann, Head Girl and star of Clapton Girls Academy debating team, who had been offered a place to read law at the London School of Economics.

Chrisann Jarrett is a Let us Learn success story. With our intervention, London School of Economics agreed to grant Chrisann a scholarship to cover the cost of international fees, as well as a contribution towards her maintenance. Chrisann started her law degree at LSE, and continues to campaign to support others who face the same obstacles she did.

Campaigning



The way you ask for the change that you want those with power to make

For example:

The UK government has committed to widening participation to increase access to university for students from more diverse backgrounds. The current rules around student loans are preventing high achieving students, with places at universities, from getting a university education. We are asking the government to allow all students who have been lawfully resident in the UK for three years or more to be eligible for student finance.

Communications

Thinking about children's right to privacy

* Pseudonym
A made-up name
to hide the child's
identity

Some of the questions to think about

- Should the child's identity be kept private (**anonymity**)?
- Should the child **waive anonymity** (not be anonymous)? Do they have capacity to do so?
- Would the child prefer for someone be appointed to speak on their behalf (perhaps an adult, family member or a spokesperson (with a pseudonym* if they would like))?

For example, in the **Let Us Learn** campaign the briefing contained these case studies which are examples of pseudonyms:

Leon*, who with three grade-A, A-levels under his belt has been offered an unconditional place by Imperial College, one of the top universities in the world.

Yemisi*, who achieved four A grades at AS level, and has offers to study chemical engineering at three Russell Group universities.

* names have been changed.



Your example

Communications

The story of the case = the story of the problem

Children should be consulted about how they and their case should be presented to external audiences (including in publicity materials).

External audiences might include: the media, partners (e.g., NGOs, trade unions, or other child/youth movements), funders, politicians, and policy makers.

The story of the case might be the same or different, depending on the audience.

Adults involved in child rights strategic litigation should help children think about

- ? How they want the story to be told
- ? How they will include children’s wishes and feelings in the story
- ? How to include children’s voices
- ? How the story might differ for different audiences
- ? How to navigate different children’s views on how the story should be told



Your example

The "Story of Self": the story of the people affected

'A "story of self" tells why you have been called to serve. Every one of us has a compelling story to tell... The key focus is on **choice points**, moments in our lives when our **values** become real when we have to **choose** in the face of uncertainty. When did you first care about being heard, about concern with others, about abuses of power, about poverty? Why? When did you feel you had to do something? ...

The power in your story of self is to reveal something of yourself and your values – not your deepest secrets, but the key shaping moments in your life. We all have stories of pain, or we wouldn't think the world needs changing. We all have stories of hope, or we wouldn't think we could change it.'

Source: 'Public Narrative Participant Guide' (originally adapted from the works of Marshall Ganz of Harvard University <http://www.hks.harvard.edu/about/faculty-staff-directory/marshall-ganz>. Modified for this training by Serena Zhang & Voop de Vulpillieres, <https://www.ndi.org/sites/default/files/Public%20Narrative%20Participant%20Guide.pdf>, p.7).

Incorporating Challenge, Choice and Outcome in your story:

Consider the choices you have made in your life. Identify a specific choice point - perhaps your first true experience of challenge.

Challenge

- Why did you feel it was a challenge?
- What was so challenging about it?
- Why was it your challenge?

Outcome

- How did the outcome feel?
- Why did it feel that way?
- What did it teach you?
- What do you want to teach us?
- How do you want us to feel?

Choice

- Why did you make the choice you did?
- Where did you get the courage (or not)?
- Where did you get the hope (or not)?
- Did your parents' or grandparents' life stories teach you in any way how to act in that moment?
- How did it feel?



Ibid, p.8

Example of how to structure a "story of self" with Challenge, Choice, Outcome

Chrisann Jarrett

I was born in Jamaica and, at the age of eight, I migrated to the UK to live with my mum. Since then, I have completed all my formal education in the UK. In primary school, it was relatively easy to make friends - my noticeable accent provided a conversation starter. I integrated quickly, this country was now my home, I belonged here.

I excelled academically, and at the age of 13, I started to get involved in a debating society, finding my voice and becoming more confident that when I grew up "I would be a lawyer!". I worked hard and secured a place at London School of Economics (LSE) to study Law. That is when my migration story (a thing of the past) became important because, according to the government, I was still a migrant and not a citizen of the UK.



Challenge

This differentiation meant that though I have been in this country for more than half my life, I was being treated differently to my peers. After securing my place at LSE and being one step closer to my dreams of becoming a lawyer, I couldn't take up my place at university. This was because my immigration status meant that I was being charged international fees of £17,000 instead of the "home student" rate of £9,000. Coming from a single-parent household, there was no way to finance my degree and I had to take a forced gap year. This was the first time in my life that I was held back from progressing: everything came to a standstill.

Choice

In my forced gap year, I thought I was the only one being prevented from going to university because of my status in the UK. Feeling ashamed, I kept it secret, I was silent. As the months passed by, I grew desperate. I wanted to go to university so I took a leap of faith by writing to my local newspaper, sharing my story in the hope of getting help.

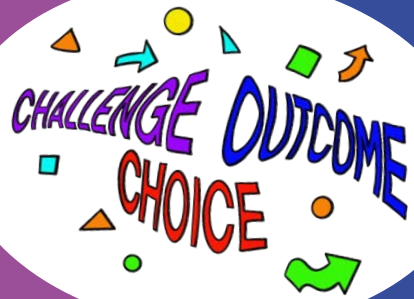
Outcome

After a year of strategically interacting with the media, raising awareness, and engaging hundreds of young migrants, our breakthrough came via the Supreme Court. In the daytime, I would go to my lectures and study, and in the evenings I would liaise with lawyers on how to change the law. Let Us Learn submitted evidence in an intervention to the Supreme Court. My witness statement was supplemented by the personal stories of 28 young people, showing the court the real-life impact of the law which – if not changed – would lead to our academic potential being left untapped and limiting our contribution to society. We managed to influence a change in the law. The outcome was great.




Try the
"story of self"
yourself...

What is
your...



 **Challenge?**

 **Choice?**

 **Outcome?**
(that happened or that you are looking for)

Media

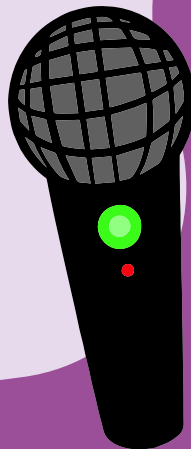
Court cases by their very nature attract media attention, especially cases that involve children.

It is important to think ahead and create the story you want to tell the media, rather than letting them create the story for themselves or, worse, letting the opponent/other side tell their version of the story. To do that you might need create a press release.

Tips For Children:

There are decisions you will need to make

1. Deciding whether to get involved in telling your individual or collective story in the media. (This isn't a permanent decision; you can change your mind at any time but remember the story will stay in the public realm on the internet)
2. Deciding how to get involved in media, whether social media (you should be able to control how this is written), newspaper articles (the journalist in charge of the story controls this), TV (the journalist in charge of the story controls this) or video content (you can control this).
3. Think about key messages and how you would answer difficult questions
4. Think about possible negative media reactions. How can you minimise these – and their impact on you?
5. How could expert media support help you with doing this work?



 **How do you want to engage with the media?**

 **What kind of media do you want to engage with?**

 **What are the risks of engaging with the media?**

Expert media support

Expert media support can help with:

1. Training to speak to the media
2. Designing answers to questions in a way that simplifies the issue but advances the change. (Court cases are often very complicated so simplifying to get clear demands and solutions can take a lot of work)
3. Supporting children with contacting and managing the media. (Remember that the job of a journalist is to get information from people, having someone limiting that can be really helpful)
4. Knowing what to do if you get harmful media attention: how to get support and if necessary correct a false story



Tips for adults supporting children with the media

1. Explain to the children the way the media works and why it might be better if the media does not have direct access to them
2. Consider acting as a gatekeeper when it comes to media access to the children. Unfettered access can lead to an increased risk of harm to children from negative media attention
3. It is prudent to advise children never to read the comments after articles – people can say really hurtful things
4. Advise children to monitor their social media profiles carefully, to protect them from trolling or from anything on their profiles that might be used against them
5. Work with children to draft key messages
6. Work with children on how to deal with difficult questions (“defensive briefings”)
7. Consider how to emotionally support a child if they experience media-related backlash
8. Consider developing some social media guidelines if social media is going to be used to tell the story

If expert media support is not available...

1. Search the internet to look at media coverage of an issue similar to yours
2. See how the story is written (is it positive or negative?)
3. If it's positive look at the words that are used (nouns, adjectives)
4. If it is negative, think of other words that could be used that sound more positive
5. Use the positive words in your messages about your case/issue
6. Make the messages short and to the point. Don't get bogged down in the technicalities
7. Tell the story as if you were explaining it to your friends
8. Set social media guidelines (e.g., how/when you will tag people in photos)



Results of media coverage search

_____	_____
_____	_____
_____	_____
_____	_____



Findings

_____	_____
_____	_____
_____	_____
_____	_____



Negative words



Positive words

_____	_____
_____	_____
_____	_____
_____	_____



Your social media guidelines

_____	_____
_____	_____
_____	_____
_____	_____

Key messages

Develop key messages and answers to difficult questions (defensive briefings) to use when talking to the media

Key Message – Let Us Learn

Talent and ambition going to waste

There is so much talent and ambition going to waste. These young people are exactly the kind of students this country is encouraging. We shouldn't be blocking them. They are bright, ambitious and hard-working – and heartbroken that they have no way of realising their dream of going to university, achieving their potential, and give something back to the country that is their home.

“Defensive Briefings” – Let Us Learn

Isn't there a risk they will just go home after completing their education without repaying the loan?

They are 'home'. This is where they live and where their futures are. They have lived here most of their lives and have been educated here. In fact, there is much less of a risk of them leaving the UK than holders of EU passports.



Your key message

Your defensive briefings

Political campaigning

- Where litigation forms part of, or relates to, a broader political campaign, the case may serve as a hook for advocacy or campaigning beyond the courts.
- Examples have included actions or campaigns targeted at parliamentarians and government decision-makers. These actions and campaigns have ranged from pickets, petitions and marches to seeking direct support on child rights issues from individual parliamentarians and political parties.
- A key part of the work of campaigning is community-building. This can create a support system for children who might want to be involved in campaigns aimed at those in authority



Bringing communication and campaigning together

Practitioners should consider whether the real-life stories of those affected by the law or by the change can help/better explain the need for change.

Making change can be hard until a person with power (eg. people in government) understands properly how the problem affects people.

There are many ways these stories can be presented to officials – a collection of **anonymised case studies** might be the least intrusive and have the widest range of impact.

Some children might want to tell their story, whether in person or pre-recorded.

“Story of self” practice can help children develop their skills, and allow them to edit and control the story they want to tell in public in the time available. (Remember there may only be a few minutes of an official’s time – **you want to get your point across well**).

Story telling uses ‘our lived experience narrative as a mobilisation tool, and to develop a community of young migrants facing a shared injustice’.

Chrisann Jarrett, now CEO of We Belong



Things to bear in mind when doing political campaigning

An official or person with power has the ability to make the change you are seeking.

Your story might make a difference to when and how the change happens.

A person in authority may not understand the impact the current legal position has and why you are seeking specific changes.

It might be easier telling your story to an official rather than to a journalist. The difference being that you are not putting your personal situation onto the internet, where you lose control of story and it stays forever. But you are using the power of your story to ask for change.

It might feel harder because the official might feel like a very powerful person who is not easy to talk to and who has power over you or your family.



Example from Let Us Learn
'Tosin Lawal says the preparation he had with colleagues before meeting Immigration Minister Kevin Foster was essential, to ensure he told his story clearly and compellingly - and focused on the elements which would be most likely to strike a chord.'
Source: Fiona Bawden, 'We Belong Campaign Evaluation (We Belong, April 2022)'

TOP TIPS

- Telling your personal story to officials can feel hard and emotionally draining.
- Try and get support from others who are in a similar situation to you (peer support). Or you could ask for counselling (professional support)
- If you tell your story to an official, you don't have to tell everything – you are in control. Tell the parts that you need to share in order to ask for the change and keep the things private that you want to be private
- If access to officials or people in power is hard or you don't feel comfortable speaking in public, consider creating a video or other content that you can share with officials

Ideas...

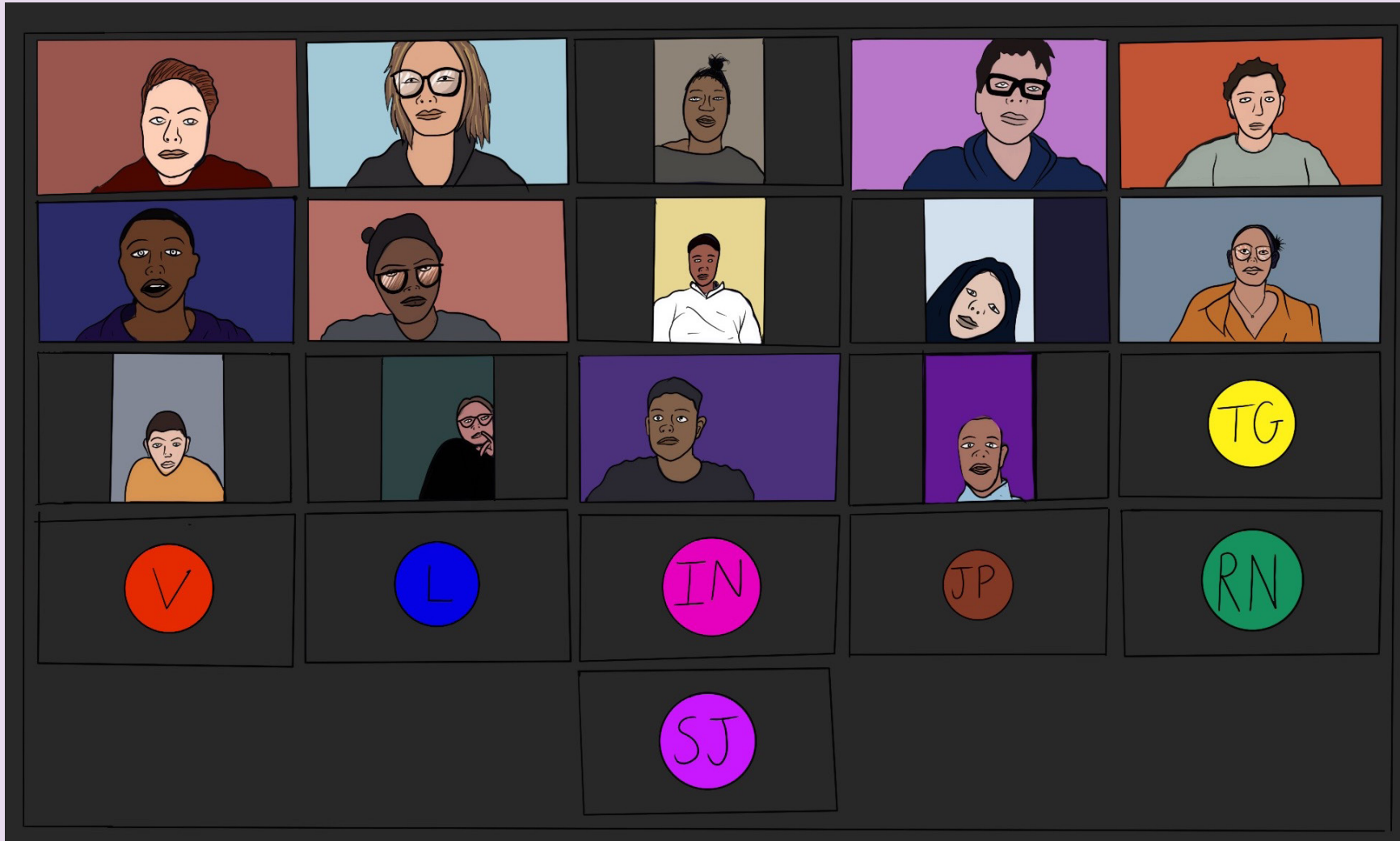
...for professionals to increase child participation in communications, media and campaigning

1. Parents and caregivers of young children may want to talk to the media/tell their story or the story of their children. Professionals working on behalf of children will need to think carefully about how to manage this and balance it against the best interests and the voice of the children.
2. It might be better to appoint a spokesperson who is safer from repercussions or feels more confident about doing this work. They can tell the stories of the others, as well as their own, in an anonymised/unidentifiable way.
3. It is easier to monitor and control media access with a limited number of spokespeople and any repercussions.
4. Bring in input from the children (and/or their carers) into all of the communications work, not just the media (e.g., website content, content on social media, and press release content).
5. Enable the children (and/or their carers) to write articles themselves. These can be supervised by professionals to ensure they are in line with the messaging and to make sure no one is putting themselves at risk, either legally or in terms of other repercussions.
6. The 'own words' of the impacted children can have a much more powerful impact than technical professional language. Professionals might want to incorporate these words or allow the impacted children to lead on the communications.

7. If your professional opinion as to how the case should be messaged differs from that of the children, establish an opportunity to explain why you think this way. Give the children space to explain their view and allow the children to make the ultimate decision, unless you feel they are putting themselves at serious risk (legally, physically, politically).

8. Give the children explicit permission to push back on professional messaging and accept that professionals can get it wrong. Remember people whose lives have been impacted by the legal situation have a much greater emotional investment in the issue.

Your ideas



Thank you:

Cailin
 Brandi
 Zubair
 Vimbai
 Lukhanyo
 Masego
 Ambrose
 Rushaan
 Winetha
 Saadiq
 Robin
 Christopher
 Ezra (Kereen)
 Ayabongwa,
 Ruan,
 Janishca,
 Lilitha,
 Vimbai,
 John-Lee
 Inathi
 Scarlett
 Theo
 Ash
 Sid
 Clemmie
 Keshon
 Katie
 Finn

Huge thank you to the children and young people from South Africa and the UK, and all the others, who participated in making this toolkit clear, particularly Clemmie who lead on the youth design of this toolkit. We hope that it will be useful to children and practitioners across the world. If you would like to follow up with us, join our Network or ask any questions, please check out: www.acrsl.org

With particular thanks to Jacob Stephenson Nairn for his illustrations. More of his work can be found at Instagram [@mysftsart](https://www.instagram.com/mysftsart) or on YouTube [@mysftsart279](https://www.youtube.com/mysftsart279)



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Toolkits for children and practitioners



University of Nottingham
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