

WHAT^{is}?



CHILDREN'S PARTICIPATION

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Project Manager: Monica Lindvall

Author: Alana Kapell

Designer/Art Director: Jason Robinson, PlanetYou

Illustrator: Qin Cheng

Contributors: Cristina Barbaglia, Bill Bell, Ines Biemmi, Gorel Bogarde, Roberta Cecchetti, Stefanie Conrad, Santiago Davila, Clare Feinstein, Anita Goh, Hannah Lyford Jones, Lena Karlsson, Claire O’Kane, Monica Lindvall, Anne-Sophie Lois, Carmen Madrinan, Sara Philipson, Linda Raftree, Gina Solari, Lene Steffen, Samia Kassid, Annabel Trapp, Ann-Kristin Vervik, Silje Vold

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The “What is...children’s participation” was adapted from: A. Kapell, General Comment, Article 12, Child Friendly Summary - Draft, (London, Save the Children, 2007)

Dear Reader,

Every year, the United Nations (UN) makes important decisions that affect and impact the lives of children and young people around the world. In 2009, there was a special focus on a child's right: 'to express his or her views freely in all matters affecting him or her' – or, in other words, children's participation.

We saw this as an opportunity to support children's understanding of not only the UN but also other important processes where children's rights are discussed at international, regional and local levels. We hope that this will encourage and support children and young people to get involved in these processes.

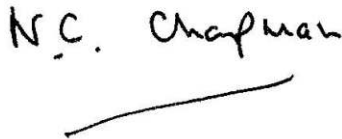
The 'WHAT IS?' leaflets are only one way for you to learn and build a greater understanding and awareness about some of the things that happen at the global/international level. You have a very important role to play in the decisions and processes that affect your life.

This information may be most useful to adults that work with children, teachers, older children, adolescents, youth and young people that are considering ways to get involved in and to influence international or UN related processes.

As needed or requested – we hope to add more leaflets and build on the information that is available to you. As a starting point, we have developed the following leaflets:

- Children's Participation
- The United Nations
- The UN General Assembly
- A Convention and a Treaty
- The UN Convention on the Rights of the Child
- Special Representative
- The Omnibus Resolution
- The Security Council
- The Complaints Procedure for the CRC

Your voice, your experiences and your opinions matter and count! Our hope is that the information found in the 'WHAT IS?' series will support you to learn, create positive change, speak out, take action and have your voice heard.

Handwritten signature of Nigel Chapman in black ink, consisting of the initials 'N.C.' followed by the name 'Chapman' and a long horizontal stroke underneath.

Nigel Chapman
CEO, Plan International

Handwritten signature of Mark Vogt in black ink, appearing as a stylized, cursive 'M. Vogt'.

Mark Vogt
Director of War Child Holland

Handwritten signature of Elisabeth Dahlin in black ink, written in a cursive style.

Elisabeth Dahlin, Secretary General
Save the Children Sweden

**You have the right to express your views in all matters that affect you.
This right is often referred to as: 'children's participation'.**

What are Rights?

Every child has the same human rights. Some of your human rights have to do with the basic physical needs to stay alive. For example, you have the right to food, water, shelter and basic health care. Some of your human rights have to do with how other people treat you. You have the right to be treated with dignity and respect. Some of your rights have to do with your need to be cared for, to develop and to grow and be part of your communities. You have the right to an education, to express your own ideas and opinions, to information, protection and to participate in making decisions about issues that affect you. You also have the right to not be discriminated against because of who you are or where you come from.¹



[1] Adapted from: J. Young, L. Karlsson, Government Commitments to Combat Sexual Exploitation of Children - A Report for Adolescents (UNICEF, 2009)

Article 12 of the UN Convention on the Rights of the Child states:

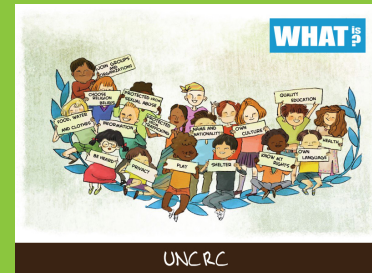
“State Parties shall assure to the child who is capable of forming his or her own views the right to express those views freely in all matters affecting the child, the views of the child being given due weight in accordance with the age and maturity of the child.”

“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 of national law.”

Almost every country (except for the United States and Somalia) has ‘ratified’ the Convention on the Rights of the Children. When a government ‘ratifies’ a convention they are saying that they agree with it and it then becomes a legal duty for that country.

All of these rights can be found in the UN Convention on the Rights of the Child – for more information, please see the leaflet:

What is the UN Convention on the Rights of the Child?



To better understand and explain 'children's participation' and some of the promises made by governments, we can start by looking at Article 12 in more detail.

"capable of forming his or her own views" – this means that you should be listened to as soon as you can express your own views in some way and that there should not be a minimum age in order to participate. Even children of a very young age have ways of expressing themselves. It applies to all children, including girls, boys, children with disabilities and children from different cultures and backgrounds.

"the right to express those views freely" – this means that you need to have the time, encouragement and support to develop and express your views. It also means that you do not have to participate if you do not want to. It is a right, not a duty.

"in all matters affecting the child" – The decisions that affect you are made in many different places and on many different levels. Decisions are made every day within the family, at school, workplace and by community leaders, as well as at the national and international levels.

"given due weight in accordance with the age and maturity of the child" – Article 12 does not say that everyone has to agree with everything you say or that you can do whatever you want but it does state that your views need to be taken seriously. It is not good enough to just listen, adults also have to think about what you have said and allow that to shape the decisions that they are making. And when your wishes cannot be followed, you should hear about the decision and the reasons why your views were not followed.

“the opportunity to be heard in any judicial and administrative proceedings affecting the child” – this includes many different situations where people outside the family have to get involved in making decisions that can affect you. A few examples of girls and boys who are affected by this include: children who have been separated from their parents; children who are victims of violence or crime; children whose parents are getting divorced; refugee children; children in trouble with the police; and many others. The right to be heard in these kinds of situations applies to all children “capable of forming a view” and there is no minimum age.

“either directly, or through a representative or an appropriate body” – wherever possible, you should always be able to decide how you want to participate. When/if you choose to have someone speak for you or when it is not possible for you to speak for yourself, it is important that your views are still clearly communicated and shared.

“in a manner consistent with the procedural rules of national law” – this means that it is important to create new or special laws and supports for children’s participation and to ensure that when you participate in decisions directly or are represented, you will have your views taken seriously. It means that existing laws cannot restrict nor make it difficult for you to participate. When governments are implementing the Convention, they have to involve children and other members of civil society (such as non-governmental organizations).

**Decisions about you are made in many different settings
and for many different purposes.**

For example:

In the Family:

The 'family' is seen as the best place for children to participate for the first time. Participation within the family helps you to grow and develop. As you develop, your parents should create more and more opportunities for you to participate in family decisions.

In Alternative Care:

If you are unable to live with your parents, or if you live in an institution, you also have the right to participate in decisions that affect your daily life. You must have information about the plans being made and be given the opportunity to express your views about the plan at every stage.

In Health Care:

You not only have the right to live, survive, develop and to the best possible health, you should also have the opportunity to participate in decisions that directly affect your health and to be involved in the development of health policies and services. For you to make healthy and informed choices, you need to have access to information about health and health services. You should have the opportunity to be involved in developing this information and in helping to provide others with this information.

In Education:

Unfortunately, many children around the world experience discrimination, violence and a lack of respect in the school – this means that many children are not getting a good quality education.

Schools should be a place where you and your rights are respected. You should have the opportunity to participate in key decision-making processes in your school and systems should be set up within schools to support your participation (for example: student councils, peer education, student representation on school boards). You should also have the opportunity to be involved in the development of school codes of behaviour and policies.

In the Community:

Many of the opportunities for you to participate happen at the community level. You need to be supported and encouraged to form your own 'child-led' organizations and initiatives, for example: youth parliaments or local youth councils. You should also have the opportunity to be involved in the design of your community (for example: school parks, playgrounds, recreation, transportation and health facilities).

In the workplace:

Working children have the right to speak out when you are being treated unfairly or if you are being harmed in anyway. You should be supported to join or form groups/organizations that will help to protect your rights.

In National and Local Government:

Governments should not think of children's participation as something that happens only for special occasions. Meetings, consultations or events should happen on a regular basis. You should not only be informing government decisions but also participating in and shaping the plans that will be developed, the actions that will be taken and the review and evaluation of processes. You should have the opportunity to contribute to the development of laws, policies, data collection, budgeting and planning (for example: National Plans of Action and Poverty Reduction Strategy Papers).

In Monitoring:

When it is time to review any program, plan or activity that has been developed for you – you need to be involved in the process. You should also have the opportunity to be involved in monitoring and implementing children's rights. When a government has to report on how they are supporting children and their rights, children should be involved in the process. When non-government organizations are monitoring and reporting on children's rights they should also be working closely with children and supporting your participation.

In Civil Proceedings:

If the court is making a decision about you, you should be part of the decision-making process (for example: during a divorce, adoption or if you have to be separated and placed apart from your parents). You should be heard at all stages, including when the situation is being assessed, when an option is being considered and when your future home is being decided. You should be aware of any court proceedings and you should have representation where needed. Child friendly and easy to understand information should be available as well as legal advice when needed or requested.



'The Juvenile Justice System' is all the people and procedures (such as courts, judges, lawyers and prisons) that societies create in order to deal with crime and young people who are seen to have broken the law.

In the Juvenile Justice System:

Within the juvenile justice system your views should be heard at every stage of the process. You should have access to legal help, access to an interpreter and privacy at all stages and if kept in custody it should be safe and appropriate for children. You should also not be forced to tell your story in court. If you are found guilty, you must be given the opportunity to have the decision revisited and reconsidered. Legal processes need to be child friendly and accessible to children with disabilities, with support to understand what is taking place and to participate in a meaningful way. Special protection should be given to you if you are a victim or witness to crime.

Now, just because you have the right to participate, it does not make it a reality.

In 1989 Governments at the United Nations adopted the UN Convention on the Rights of the Child. A lot has been done since then to ensure you are able to participate in decisions that affect you. More and more people, groups, governments and organizations understand what 'children's participation' means and how to support it – but – more needs to happen. Not enough people know that you have the right to participate and even more people do not understand what it means or how to make sure that you are supported in the right ways.

There is also concern about the limited opportunities you have to participate in decisions that affect you and the quality of what is being done. Many people are worried that the participation of children is not always truly meaningful.

For example:

Sometimes adults want children to only sing songs, dance and support the celebration of a big decision having been made without the input of children. Some adults will write speeches for children to read, without having input from the child.

Sometimes your role will be to convince others that you have the right to be heard and taken seriously. For this reason, it is useful to know how you, other children and young people, your family, community, school and country can all benefit from children's participation.

Participation helps you to learn and grow.

Through participation you learn new skills, new information, have new experiences, think of new ideas and become more confident.

Participation leads to better decisions and results.

You have a unique understanding of your own life, needs and concerns. Decisions that are made with you will be more relevant and reflect your true realities. Actions that are taken with children will be more helpful and last longer.

Participation protects children.

When you participate, you may feel more confident and safe. Then, if something bad ever happens, you will feel it is OK to say something and get the help that is needed. Children will be better protected from violence and abuse if adults are listening and taking you seriously. Adults can only help you if they know what is happening. You are the only ones that can talk about what is really happening in your home, in school, in prison or in the work place. Adults need to talk to children to understand what is happening and then actions need to be taken to make sure children are safe.

Participation promotes civic engagement and respect for others

One of the best ways to grow up to become a responsible adult is to be shown respect as a child and to learn that your feelings and opinions are taken seriously and are valued. Through participation, you can also learn how to respect different opinions, ways of negotiating and compromise. Participation can also help you to feel a sense of togetherness, belonging, responsibility, justice, caring and sensitivity.

Different ways of Participating:

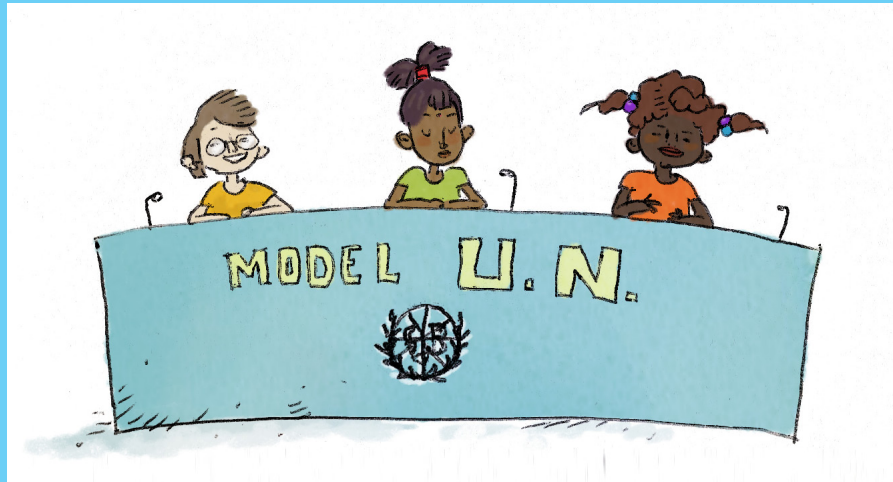
Consultation:

Sometimes adults want to know what children think about an issue or topic and will ask you questions about it or discuss it with you. This process is called a consultation and is usually led by adults. It does not offer a lot of opportunity for you to make decisions but it does recognize that you have expertise that can help adults to better understand an issue and shape adult decisions on issues that affect children's lives. For consultations to be meaningful, adults have to think about what you have said and act on it.



Partnership:

Sometimes it is possible for adults and children to work in partnership. You might, for example, have the opportunity to share the decision making with adults but also to take action in other ways. For example, you might help in designing the project, planning it, running the project, talking to other children and participating in conferences, and monitoring and evaluating a project.



Led by You:

You can also take the lead and design your own ways of participating. You can decide what the issues are, what actions need to be taken and how things will happen. You may decide that it is useful or necessary to involve adults or adults led organizations, but this is not always the case.



Examples of some Child-Led Groups and Organizations:

The African Movement of Working Children - The Movement itself is the main African voice of those children and youth in 'difficult circumstances' who have not had basic social services, such as education, health, etc. The Movement is supported by a large coalition of African NGOs, Churches, and Civil Servants.
<http://www.crin.org/organisations/viewOrg.asp?ID=1370>

Funky Dragon - the Children and Young People's Assembly for Wales - is a peer-led organization. Their aim is to give 0 – 25 year olds the opportunity to get their voices heard on issues that affect them. Funky Dragon tries to represent as wide a range as possible and work with decision-makers to achieve change.
<http://www.funkydragon.org/index.asp>

Concerned for Working Children - CWC works with local governments, community and working children themselves to implement viable, comprehensive, sustainable and appropriate solutions in partnership with all the major actors, so that children do not have to work. It empowers working children so that they may be their own first line of defence and participate in an informed manner in all decisions concerning themselves.
<http://www.workingchild.org/>



How to make children's participation safe, meaningful and useful:

There are many things to think about to ensure participation is meaningful and to ensure you are taken seriously. These are good guidelines for adults to know and be aware of but they are also important for you to know so that you can ensure you are respected, protected and safe.

- Your views need to be treated with respect
- You need all the necessary information and you need to know why you are participating
- You need to know the limits of your involvement and what the results will be
- You need to understand how decisions will be made and who will be making them
- You should never be forced to participate and can leave the process at any time
- The issues you are dealing with should be important to you - they should be about your life
- Adults need to create a good environment for you to participate. You should be involved from the beginning and properly prepared, supported and protected
- Processes should support the participation of children of different ages and abilities
- Adults need to understand why participation is important and help to support children

- Participation needs to address issues of discrimination and must make sure that ALL of you have the opportunity to have your voices heard
- Adults supporting your involvement should have the proper training and skills
- You must be safe and protected at all times. Adults need to make sure that you are not at risk as a result of participating
- You need to know what the results are of your participation and how your contribution was used, what decisions were made based on your input and what actions were taken (or not taken)
- Adults should work together with you to review and evaluate processes

WHAT NOW?

What did I learn from this leaflet?

What questions do I have and where might I find the answers?

How can I use this information and are there any actions I want to take after reading this leaflet?

Who do I know that might be interested in learning more about children's participation and what can I do to help them?



