

KidsRights Report 2014



Child Participation

From Rights to Reality



Universiteit Leiden



KidsRights Foundation

PO Box 283 - Paccode AZ 1425
1000 EA Amsterdam, The Netherlands
Tel: +31 20 343 5313

info@kidsrights.org 

www.kidsrights.org 

The International Children's Peace Prize

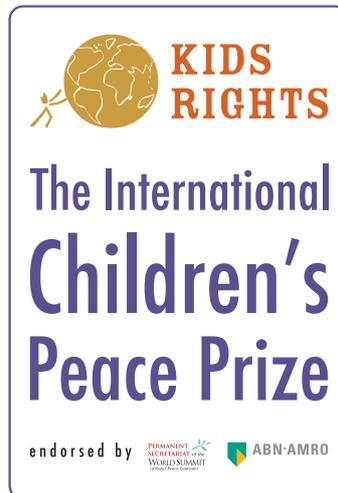
The International Children's Peace Prize is an initiative of Marc Dullaert, Chairman and Founder of the Dutch KidsRights Foundation, and is awarded annually to a child, anywhere in the world, for his or her dedication to children's rights. The goal of the prize is twofold: it is a sign of recognition for the winners and it offers the winner a platform to promote his or her ideals and causes – allowing for the important messages these young heroes convey to reach a broader public and thereby making a greater impact in the promotion of children's rights.

By awarding the International Children's Peace Prize, KidsRights has been putting a brave child in the spotlight for ten years now. The prize was launched in 2005 during the Nobel Peace Laureates' Summit in Rome, chaired by Mikhail Gorbachev. Since then, each year the prize has been presented by a Nobel Peace Prize Laureate.

The Children's Peace Prize is accompanied by a project fund of €100.000, which is invested in children's rights projects closely connected to the winner's area of dedication. The young winner also receives the Children's Peace Prize statuette, called 'Nkosi', which shows how a child moves the world. The statuette is named after the first ever Children's Peace Prize winner. Furthermore, the winner receives a study grant.

Nominations for the Children's Peace Prize can come from any person, in any country, with knowledge of any exceptional child who is dedicated to promoting children's rights. An independent Expert Committee assesses the applications and selects the final shortlist of nominees.

www.childrenspeaceprize.org



2005: Nkosi Johnson , South Africa

The first International Children's Peace Prize in 2005 was dedicated posthumously to Nkosi Johnson for his work to secure a more dignified existence for South African children and mothers with hiv and aids. The prize was presented by Nobel Peace Laureate Mikhail Gorbachev to Nkosi's foster mother Gail Johnson and his little foster brother Thabo. During his lifetime Nkosi rose awareness for children with hiv and aids. In his famous speech during the 13th International aids conference in Durban in 2000 he asked the world to accept and love children and adults with hiv/aids just like any other human being. He said: "We can walk, we can talk, we have needs just like everyone else — don't be afraid of us — we are all the same!"

Table of Contents

The International Children’s Peace Prize	1
Executive Summary	3
1. Introduction	5
2. The meaning of child participation	7
2.1 What is child participation?	7
2.2 Why child participation?	7
2.3 Different levels of child participation	8
3. The legal framework for child participation	11
3.1 The United Nations Convention on the Rights of the Child	11
3.2 The right to participation	11
3.3 Right to be heard	11
3.4 Other participation rights	12
3.4.1 Right to freedom of expression	12
3.4.2 Right to freedom of thought, conscience and religion	12
3.4.3 Right to freedom of association and to freedom of peaceful assembly	12
3.4.4 Right to privacy	13
3.4.5 Right to access to information	13
3.5 Participation in relation to other children’s rights	13
4. Making child participation real	14
4.1 Key stakeholders in child participation	14
4.2 Challenges in realising child participation	15
5. Child participation in practice	18
5.1 Child participation: an essential part of children’s everyday lives	18
5.2 Millennium Development Goals & the Post-2015 Development Agenda	18
5.2.1 Millennium Development Goals	18
5.2.2 The Post-2015 Development Agenda	18
5.3 Child-friendly justice & access to justice	19
5.4 Child-friendly cities	20
6. Conclusion & recommendations	22
Bibliography	24

Executive Summary

Since the adoption 25 years ago of the UN Convention on the Rights of the Child (CRC), children's participation rights (art. 12-17) have gained significant attention. The CRC recognises participation as a core right, acknowledging the status of children as citizens, and playing an important role in realising other rights. Developments in the field of child participation have taken place at international, regional, national and local level; children were, for instance, invited to help shape the post-2015 global development agenda. The power of child participation is nowhere more clearly demonstrated than by the ten winners, to date, of the International Children's Peace Prize.

KidsRights has chosen to celebrate the 10th Anniversary of the International Children's Peace Prize with this report, focussing exclusively on child participation. The concept is defined in detail, and its significance explored in terms of child development and the welfare of society as a whole. The report examines the roles of key stakeholders in making child participation real, assesses the obstacles standing in their way, and outlines the measures required to overcome them. Finally, the growing profile of child participation at international, national and local level is illustrated by three individual developments.

Child participation is not a single event, but an ongoing process. Informing children, working in an atmosphere of mutual respect, and sharing outcomes are all part of that process. Participation comes in many forms, best illustrated by Hart's ladder of child participation. Some types on the ladder don't qualify as true participation: the lowest three rungs of the ladder – manipulation, decoration and tokenism – all refer to non-participation. The other five – assigned but informed, consulted and informed, adult-initiated shared

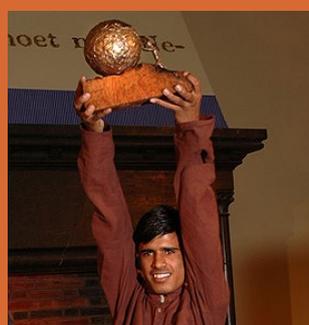
decisions with children, child-initiated and directed, and child-initiated shared decisions with adults – are all genuine forms of participation. The form to be used varies according to context and circumstances.

The CRC awards a set of participation rights to children. This means that the 194 states which have ratified the CRC are compelled to enable children to exercise their participation rights, including the right to be heard (Article 12), the right to freedom of expression; the right to freedom of thought, conscience and religion; the right to freedom of association and to freedom of peaceful assembly; the right to privacy and the right to access to information (Articles 13-17 CRC).

In realising these rights, various stakeholders play a key role. The most important are parents and family, school and the local community. Parents must balance their parental rights with the rights of their child to participate in accordance with his or her evolving capacities (a concept that acknowledges that children develop gradually and should be given more responsibility as they grow). School plays an important role in empowering the child, teaching children their rights and enabling them to participate responsibly. Local communities can enable children to practice their citizenship rights, for example by including them in designing local playgrounds.

Other relevant stakeholders are NGOs and community-based organisations; the private or business sector; the (mass) media; and those who work directly with children. Last but not least: the children themselves.

Despite increased awareness of child participation, there are major obstacles which still stand in the way of its



2006: Om Prakash Gurjar, India

Om Prakash was awarded the International Children's Peace Prize for his unceasing work to combat child labour and to liberate child slaves in India. Om Prakash was himself liberated from slavery after working for years under grueling circumstances. Once free, he began advocating and fighting for children's rights to freedom and education. Through his work, he has helped hundreds of children to receive a birth certificate, entitling them to free education.

Om Prakash received the International Children's Peace Prize at the age of 14, from Nobel Peace Laureate F.W. De Klerk.

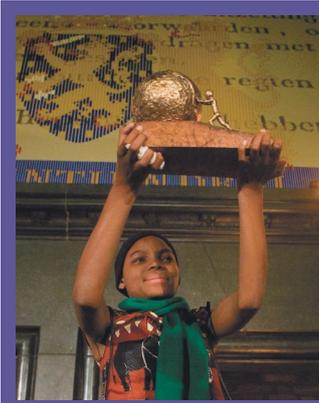
realisation. Among those who are aware of it, there remains a lack of clarity about what exactly child participation is, and why it is significant. Then there are many who know nothing at all of child participation, and resist its implementation. The capacity of children to contribute is consistently

underestimated, and the capacity of adults to properly encourage, support and facilitate child participation is often limited. Finally, legislation in this area is limited, along with policy-formation, monitoring and any means of redress. This report provides detailed recommendations for the

realisation of children's participation rights. There are promising developments at international, regional, national and local levels which should be shared and reflected upon; three are presented here. The recipients of the International Children's Peace Prize are powerful examples of what child-led initiatives can achieve with the right support. Child participation, after 25 years of the UN Convention of the Rights of the Child, is increasingly visible and real. But there is much still to be done.

"Youth around the world, no matter what your passion may be, this is our time to stand up and let our voices be heard. It is our time to be the igniters of change. There are a multitude of issues in the world that need our help, our energy, and our commitment."

Neha Gupta (International Children's Peace Prize winner 2014)

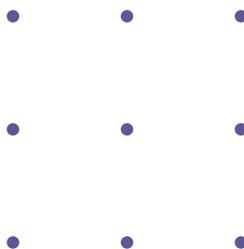


2007: Thandiwe Chama, Zambia

Thandiwe received the International Children's Peace Prize for her devotion to the rights of children in her country, and in particular their right to education. Thandiwe's school was closed down when she was 8 years old because of a lack of teachers. Thandiwe refused to accept the closure and demanded an education for herself and her 60 schoolmates, whereupon the Jack CECUP School took them in. Empowered by this success, Thandiwe campaigned for a new building, so that the children would not have to study outside in the hot sun. Ever since, Thandiwe has been fighting for the right to education for all children, including the poor and the ill. Thandiwe received the International Children's Peace Prize at the age of 16, from Nobel Peace Laureate Betty Williams and Sir Bob Geldof.

1. Introduction

Look at the dots below. Draw four straight lines crossing through the centre of all nine dots, without lifting your pencil or pen.



How would you go about it? Can you solve it?

If you turn to page 4, you will find two completely different solutions to this problem, one given by an adult, and the other by a child. The solutions illustrate the extent to which children can take a more creative approach. While adults might have more experience, they are less likely to think outside the box. Children’s very lack of experience can allow them to think beyond the set patterns developed by adults, and produce unique and enriching ideas. This is one reason among many to enable children to participate in all aspects of life, especially in matters affecting them, such as the formulation of policies and decisions which impact on their lives.

Historically, children’s participation has not been taken seriously. However, 25 years ago, with the adoption of the UN Convention on the Rights of the Child (CRC)¹, children acquired the right to participate in decisions which affect them, and to be treated as citizens in society at large. This can be regarded as one of most significant innovations of the emerging international children’s rights framework, lifting

children’s participation to a much higher level, and making children more visible in legislation, policy development and decision-making. Commitments to children’s participation have been made, and, consequently, it has become part of various international, regional and national agendas.

Today, there is a growing recognition of children as rights holders, and of the importance of enabling children to participate. Although children’s rights are continuing to evolve and shifts in global attitude take time, more and more initiatives are being undertaken to include children in significant meetings and conferences discussing topics which are important to them, decision-making processes which affect them and other daily life practices which have an impact on their lives. Participation is increasingly acknowledged as one of the core components of democratic citizenship, and children are citizens too.

Child participation plays a role in different settings and can occur in many different ways; children can help to design playgrounds by making drawings which inspire city planners; youth councils can be set up at local, national and international levels to involve children in decision-making processes; and children can be heard in court when their parents are separating.

Children can also participate by initiating or leading initiatives themselves; the ten winners of the International Children’s Peace Prize are inspirational examples of this approach. Since 2005, KidsRights has awarded one child with this prestigious prize every year, recognising her or his dedication to helping other children, and strengthening the position of children’s rights. This year, the prize goes to Neha Gupta, the tenth recipient of the award. Neha set up her own organisation to assist vulnerable children, and by



2008: Mayra Avellar Neves, Brazil

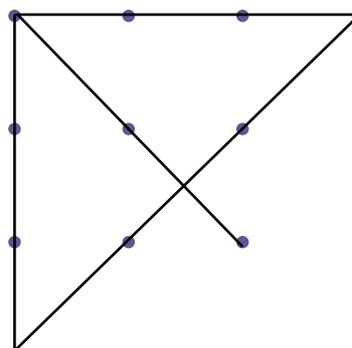
Mayra Avellar Neves received the International Children’s Peace Prize for her ongoing fight against the violence in the favelas (slums) of Rio de Janeiro, Brazil, and especially in her own favela, Vila Cruzeiro. When Mayra was 11 years old, her favela was closed off by so many checkpoints that schools and clinics had to be shut down because doctors and teachers could not reach them. Mayra refused to accept the situation and demanded her right to an education at a school outside the favela. When she was 15 years old, Mayra mobilized hundreds of youths to participate in a community march against violence, demanding a stop to police patrols around schools at the start and the end of the school day. This took great courage, as the march passed by many of these armed police patrols. More than 300 children participated in the ‘Walk for Peace’, and the police agreed to their demands. Children were able to return to school — a great achievement with far-reaching implications for life in the favela.

Mayra received the International Children’s Peace Prize at the age of 17, from Nobel Peace Laureate Desmond Tutu.

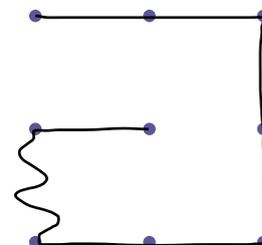
doing so she has inspired other children worldwide to take action too. All ten winners show how necessary, enriching and valuable child participation is.

In celebration of the 10th anniversary of the International Children’s Peace Prize, and in recognition of the crucial role of child participation at international, regional, national and local level, this report focuses exclusively on child participation. It explores the concept and importance of child participation (section 2), its different forms and its role at the heart of international children’s rights (section 3). The report also identifies the biggest challenges standing in the way of child participation, and the roles of key stakeholders in overcoming them (section 4). Three examples of child participation will be singled out, with implications at international, national and local level (section 5), along with case studies drawn from the stories of International

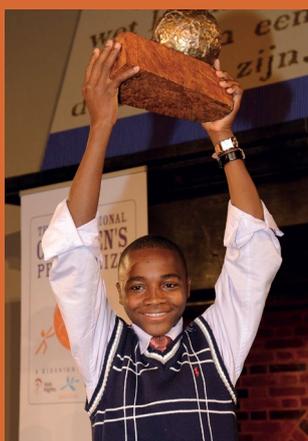
Children’s Peace Prize winners. Section 6 draws together conclusions and recommendations to further the realisation of child participation, which lies at the very heart of international children’s rights.



Solution given by an adult



Solution given by a child²



2009: Baruani Ndume, DR Congo

Baruani received the International Children’s Peace Prize for his proactive role in promoting the rights of children in a refugee camp. Since fleeing the DR Congo at the age of 7, Baruani has lived in the Nyarugusu refugee camp in Tanzania. He has tried to convert this life experience into positive action, by helping fellow refugee children. His radio show is one of the key ways in which he tries to help his peers. ‘Sisi kwa Sisi’ (Children for Children), airs on Radio Kwizera in Tanzania, Congo, Rwanda, and Burundi. In the show, Baruani discusses the problems and challenges faced by refugee children in the camp, offering a space for children to share their problems and experiences. Baruani also leads a children’s parliament in the camp where children can speak out about children’s rights issues affecting them. Through his radio show, Baruani has helped to reunite children with their parents, inviting children to call the show in search of their friends and family.

Baruani received the International Children’s Peace Prize at the age of 16, from Nobel Peace Laureate Prof. Wangari Maathai (1940-2011).

2. The meaning of child participation

2.1 What is child participation?

Before the adoption of the CRC, children were perceived by society as passive objects, in need of care and protection, fully dependent on adults because of their vulnerable status (Parkes, 2014: p. 1). Children, because of their still-developing minds and bodies, required protection against society's influences, and only adults knew what was best for them; the idea of children participating in various settings to influence the formulation of decisions and policies seemed improbable, impossible and unnecessary. Slowly, however, society has come to better understand and recognise the evolving capacities of the child to participate in decisions affecting him or her, and to recognise the importance of child participation. But what exactly is child participation?

Child participation is made up of a number of factors. If a child writes down his or her opinion, that is not enough, from a child rights perspective, to be classed as child participation. Will someone read the child's opinion? Will it be considered and taken into account and how? Was the child informed of the consequences of writing down his or her opinion? Participation should not be viewed as a standalone act, but rather as a process between one or more children and adults, involving a number of steps. As the UN Committee on the Rights of the Child has outlined, child participation involves "ongoing processes which include information-sharing and dialogue between children and adults based on mutual respect, and in which children can learn how their views and those of adults are taken into account and shape the outcome of such processes" (UNCRC, 2009: par 3). Children's opinions should be taken into account, and they should get, at the very least, a clear explanation of what will happen with their views (how much weight their views will be given, for example, and that their views will be presented to a certain audience, and so on). Before examining the implications of child participation and why it is important, it is helpful to explore the concepts of "child", "youth" and "adolescent". According to the United Nations Convention on the Rights of the Child, every person below the age of eighteen years is a child. There are different understandings of what is meant by the term "youth" amongst scholars, international organisations and people working with children, but usually the age group falling into the category of "youth" or "adolescence" will in part overlap with "children". The UN has referred to "youth" as being young people aged 15-24, but has also noted that this may be too restrictive, and has described "youth" from a social and economic perspective as being "a special phase of life between childhood and adulthood" (UN, 2004: p. 6). Adolescence has a narrower, more

specialised meaning, usually referring to the time when a child transitions to adulthood through puberty. The boundaries of these concepts differ amongst countries as well. However, it is important to note that participation does not end when reaching adulthood. Adults have participatory rights too, such as the right to freedom of expression and to peaceful assembly (Articles 19 and 21 of the International Covenant on Civil and Political Rights).³ The concept of child participation in this report will not only cover children up to 18 years, but also youth and adolescents.

2.2 Why child participation?

Child participation is beneficial for children themselves as well as for society at large, at local, national, regional and international level. Not only is child participation enriching, and a legal obligation for states who are parties to the CRC, but it is also beneficial for the following reasons:

- **Child development.** Child participation impacts positively on children's development. It increases self-esteem and self-belief; by being given the opportunity to express views, and having those views taken seriously, a child's confidence is likely to grow. Through participating, children develop a greater sense of responsibility, which in turn can have a positive impact on their future behaviour and involvement, but also on the realisation of their other rights. Child participation also promotes pro-social behaviour and builds practical skills such as teamwork, problem solving, reasoning skills and negotiating (Parkes 2013: p. 13-14; Lansdown & O'Kane, 2014: p. 6).
- **Better outcomes.** Although not guaranteed, child participation can lead to better outcomes in all kinds of settings, not only because more people are consulted and involved in developing ideas and decision-making, but also because children have unique perspectives and might come up with different and new creative ideas that adults may not have considered. When it comes to issues concerning children, their views hold additional importance, given that they will be affected by the outcomes, and can offer essential information only known to children. This can provide adults with opportunities to bridge the gap between their perceptions of children's lives, and the reality experienced by the children themselves. Moreover, participation yields better outcomes for those individual children who are involved in decision-making processes. Active participation may help them to better understand and accept the decisions taken by adults (Cashmore & Parkinson, 2007; Saywitz



2010: Francia Simon, Dominican Republic

Francia Simon received the International Children’s Peace Prize for her fight for the right of children to name and nationality – for children born in the Dominican Republic and for refugee children from Haiti. Only after an official registration of birth can children gain access to essential rights such as health care and education, and because she did not have a birth certificate, Francia found herself faced with possible exclusion from school. She carried out extensive research and showed great perseverance in pursuing her own registration. Her efforts succeeded and Francia won access to secondary school. Since then, she has been using the knowledge and strength she acquired during the complicated registration process to help other children in the same situation to obtain state recognition. At the age of 16, she had already helped over 130 children to receive an official name and nationality. By doing this, Francia increases the children’s own self-esteem and gives them the chance to lead a more secure and fulfilling life.

Francia received the International Children’s Peace Prize at the age of 16, from Nobel Peace Laureate Rigoberta Menchú Tum.

e.a., 2010). In general, child participation is likely to lead to better protection of children, along with better outcomes, both of which will benefit the community in general.

- **Social inclusion & good governance.** As noted above, child participation is beneficial not just for children, but for the wider community as a whole. As more groups are included in decision-making processes, social democratisation is encouraged. Child participation empowers children, educating them and honing their sense of responsibility. It promotes civic engagement and active citizenship at a time when children are in the formative stages of their development. Not only should children be regarded as future citizens, but they are already citizens with a right to participate. By ensuring this right for children, accountability and good governance are promoted (see also Parkes, 2013: p. 13-14; Lansdown & O’Kane, 2014: p. 5-6).

“Youth and children are a force of change as they are a majority in society. Once properly educated, they can be a winning and effective tool to speak up and express their wishes and aspirations. They are energetic, zealous and readily available.”

Thandiwe Chama (International Children’s Peace Prize winner 2007)

2.3 Different levels of child participation

Several levels or forms of child participation can be identified – some more useful than others – which are helpful in better understanding child participation. These can best be

understood through child participation models, Roger Hart’s “ladder of child participation” being the best known (Hart, 1992). The ladder of child participation consists of eight rungs representing different levels of (non-)participation (see image p. 7). The lowest three rungs – manipulation, decoration and tokenism – all refer to non-participation. The other five – assigned but informed, consulted and informed, adult-initiated shared decisions with children, child-initiated and directed, and child-initiated shared decisions with adults – are all forms of genuine participation.

Manipulation is the lowest rung of the ladder, referring to situations where children have no understanding of the situation they are in and do not understand (the consequences of) their actions. A good example is pre-schoolers carrying placards protesting about certain political issues. Another example identified by Hart is one in which children are consulted on an issue without receiving any feedback about how their ideas are used. Adults can in these cases believe that the end justifies the means, without recognising children’s own abilities (Hart, 1992: p. 9).

The second non-participatory rung on the ladder is decoration. A situation can amount to decoration if children are used to support a cause indirectly, without sufficient information. Children singing or dancing at events as entertainment, without knowing anything of the purpose of the event, are decoration.

Tokenism refers to the situation where children seem to have been given a voice, but are given little or no opportunity to formulate their opinions, or have any influence over the subject or style and mode of communication. Many examples

of tokenism can be pointed to, such as the way children are sometimes used on conference panels to say something on a topic, without sufficient preparation on the subject and without having consulted with peers. With no explanation of how such children are selected and whose views they represent, it is hard to call such involvement participation.

The next rung of the ladder is assigned but informed. Unlike the non-participatory rungs above, the children understand the intentions of the project; they know who made the decisions concerning their involvement and why, and they should have a meaningful (not just decorative) role. If children volunteer for the project after these requirements have been met, they can be said to be assigned but informed. If children are assigned to clean up after a sports event, they will not be participating. However, if they have been fully informed about the problem, the causes and the reasons why they were asked to volunteer to clean up, this rung of the participation ladder will apply.

If children are asked for their views, they understand the process and their views are taken into account, children can be said to be consulted and informed. They are fully informed of the procedures, as well as the purpose and implications of their participation. Say, for example, children were being asked to draw a plan for their neighbourhood, and it was up to the city council to decide what to do about their views. As long as the children were well informed about the project and what would happen with their views, this would qualify as consulted and informed.

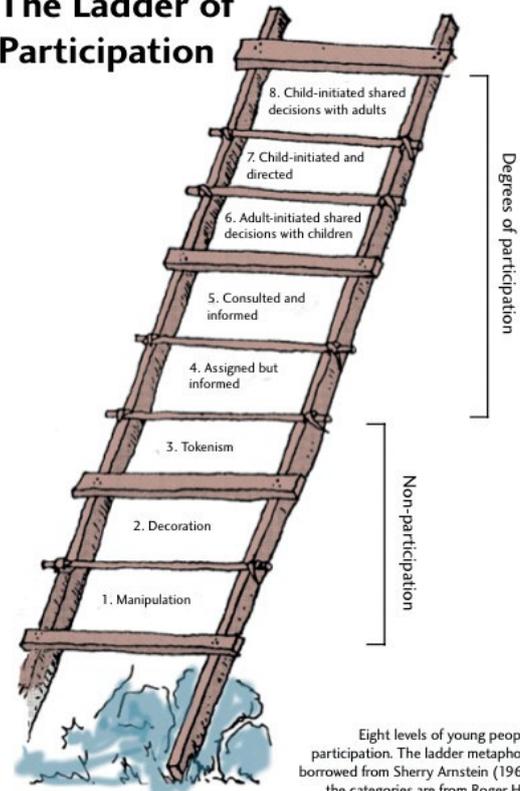
The sixth rung is third from the top of the participation ladder: adults initiate a project, but share the decision-making with children. Children are asked to design a classroom for example, but adults also play a role in the outcome. In terms of the children's influence, Hart describes the adult initiated, shared decisions with children rung as 'true participation'.

Second from the top is child initiated and directed, where children initiate a project, and adults give them the freedom to direct it without interference. A group of children wants to produce its own school newspaper, for example; they seek permission from the school and receive support, but produce the newspaper themselves. Other examples include child-led initiatives which are financially supported by adults.

The highest rung on the ladder, child initiated, shared decisions with adults, describes situations where children — usually adolescents — take the initiative, incorporating adults into projects which they design and manage themselves. Children might identify a problem in

their school, for example, and initiate a project to solve it, convincing adults to run it. This equitable cooperation between adults and children puts it at the top of the Hart's ladder.⁴

The Ladder of Participation



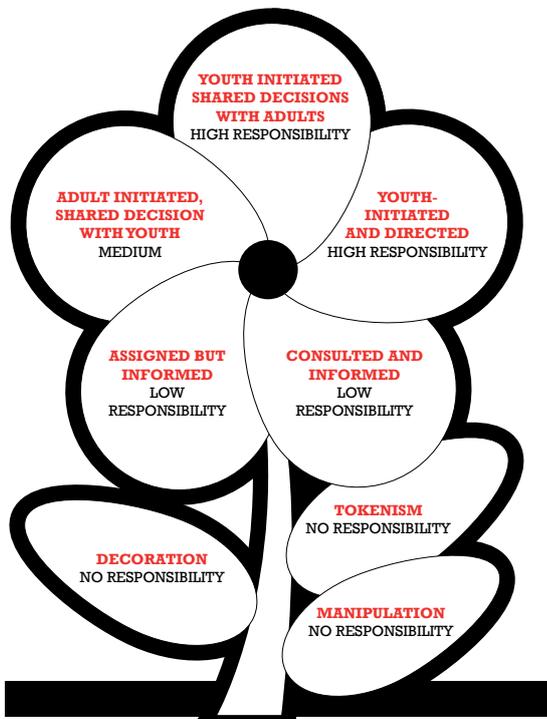
Eight levels of young people's participation. The ladder metaphor is borrowed from Sherry Arnstein (1969); the categories are from Roger Hart.

Source: Hart, 1992, p.8

Hart's model is very useful for identifying good practices and eliminating forms of non-participation. However, it has been criticised for being too hierarchical and failing to appreciate different settings; in some contexts certain forms of participation might be more suitable than others. In a study of child abuse, for example, consultation and information would be more suitable than a child-initiated form of participation (Parkes, 2013: p. 18). It is important, therefore, to note that Hart's model of child participation is one of many; others can be used in its place.

An alternative model is the 'participation flower', developed by young people themselves (CHOICE for Youth and Sexuality and YouAct). The flower is based on Hart's ladder, but acknowledges that young people have different needs from adults when it comes to participation. So for them, Hart's highest rung isn't necessarily the best, just one of five different options. The form of participation which suits best depends on factors such as the needs of the children involved, the nature and objectives of the project, and the time, knowledge and funds available (see image p. 6). This is reflected in the participation flower by placing the lowest

three steps – the non-meaningful forms of participation – on the leaves of the flower. The other five forms of participation, all real and meaningful, are represented by the flower's petals.



Source: www.choiceforyouth.org, 2014

3. The legal framework for child participation

3.1 The United Nations Convention on the Rights of the Child

This year, the United Nations Convention on the Rights of the Child (CRC) celebrates its 25th birthday. It is the most widely ratified human rights treaty in force; 194 states have agreed to implement the rights as laid down in this Convention, with only Somalia, South Sudan and the United States of America pending. The CRC encompasses a whole range of rights, such as the right to education; to play; to protection against all forms of abuse, neglect and exploitation; and to acquire a nationality. The CRC has also boosted participatory rights, several of which are enshrined in the convention.

Central to the Convention are four general principles:

- the right to non-discrimination (Article 2);
- the primary consideration of the child’s best interests (Article 3);
- the right to life, survival and development (Article 6);
- the right to be heard (Article 12).

The other provisions of the CRC must be interpreted in light of these principles.

3.2 The right to participation

That children must be seen and treated as rights holders is a strong focus of the CRC. Children should not only be cared for and protected, but also encouraged and supported to participate. But what exactly do we mean when we talk about child participation in light of the CRC? Article 12 of the CRC is often mistakenly referred to as the right to participation. However, this article simply enshrines the child’s right to

be heard. The right to participation as such is not explicitly included in the CRC. Rather, it is an umbrella term, spanning several CRC rights. These include the child’s right to be heard, as well as rights, set out in Articles 13-17, that can be viewed as conditions which must first be fulfilled in order to guarantee child participation. What these rights mean and how they relate to child participation are explored below.

3.3 Right to be heard

Of all the rights falling under the “participation umbrella”, the child’s right to be heard, established by Article 12 of the CRC, is generally accepted as the most important. As well as being one of the four general principles of the CRC, playing an integral part in the implementation of the other CRC rights, it is also a freestanding right. Article 12(1) reads:

States 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.

States Parties to the CRC (hereafter, states) are obliged to take appropriate measures to fully implement the child’s right to be heard. The monitoring body of the CRC, the Committee on the Rights of the Child (the Committee), has published General Comment No. 12 on the right to be heard.⁵ This document contains authoritative guidance on how to interpret the right, which in principle, applies to all children.

Pursuant to article 12, says the Committee, every child who is capable of forming his or her own views should be heard. Regarding the child’s capability, states should “assess the



2011: Chaeli Mycroft, South Africa

Michaela Mycroft, also called Chaeli, received the International Children’s Peace Prize for her commitment to the rights of children with disabilities in South Africa, through her project, the Chaeli Campaign. Chaeli was born with Cerebral Palsy, and the function of her arms and legs is limited. But where others see limitations, she sees possibilities; her positive attitude makes her an inspiration to many. At the age of 9, Chaeli, along with her sister and friends, started a project to raise money for a motorised wheelchair for Chaeli. In just seven weeks they raised more than enough money, so Chaeli decided to help more disabled children. The project became the Chaeli Campaign: a professional organisation which helps more than 3000 South African children with disabilities a year with equipment and physical therapy. The Chaeli Campaign also promotes the rights, inclusion and acceptance of disabled children, and Chaeli has developed an ambassadors programme to inspire and support children to start their own projects.

Chaeli received the International Children’s Peace Prize at the age of 17, from Nobel Peace Laureate Mairead Maguire.

capacity of the child to form an autonomous opinion to the greatest extent possible". In doing so, states should bear in mind four aspects of children's capability to form their own views. Firstly, children are rights bearers from the earliest stage of life, capable of forming their own views from the youngest age. Therefore, implementation of Article 12 requires recognition of verbal and non-verbal forms of communication, such as facial expressions and drawing.

Secondly, it is not necessary for children to have a full understanding of all aspects of the matter relating to them, but simply sufficient understanding to be capable of forming their own view. Thirdly, children who have difficulties expressing themselves need to be supported, through, for example, interpreters or special equipment. Fourthly, states must remain conscious of the possible negative consequences of the child being heard, for example in cases involving sexually abused children, where special attention must be given to guarding the child's need for protection whilst facilitating their right to be heard.

A crucial aspect of children's right to be heard is that they must be able to express their views freely. This also means choosing whether or not they want to exercise the right; the child must not be manipulated or pressured into expressing a view. States must ensure that children feel secure and respected when expressing their opinions. Often, hearing the views of a child will be a difficult and potentially traumatic process; in a police interrogation of a child victim, for example, no more interviews should be undertaken than strictly necessary. Finally, children need to be informed about how they will be interviewed, as it might affect their decisions about what they would like to express to adult decision-makers.

A child should be given the opportunity to be heard in all matters affecting him or her, not just in specific matters such as judicial proceedings or family separation matters. It is important to note that simply listening to a child is not enough. His or her views need to be given due weight in accordance with the age and maturity of the child. This requires an assessment of whether the child is capable of expressing his or her views in a reasonable and independent way. This assessment must be made on a case-by-case basis; every child's development is unique and cannot be determined by age alone. Furthermore, the role of direction and guidance from parents must be considered.

Article 5 of the CRC is relevant here, as it introduces the concept of the child's "evolving capacity". It is recognised that children's level of experience, knowledge and understanding affects the level of responsibility they should

be accorded to determine matters affecting them. The level of capacity will differ from child to child; it does not come at a specific age, but rather through a process during which his or her understanding and experiences gradually increase. For this reason, states should refrain from fixing age limits when it comes to hearing children, as that is not the only determining factor at play. It is up to states to develop a framework to assess children's capacities. Although it is impossible to define it precisely, since every child is different, little has been undertaken to clarify the aspects which can be assessed (Lansdown, 2005: p. 56).

"Together we can stand up for our own future" Malala Yousafzai (International Children's Peace Prize winner 2013)

3.4 Other participation rights

3.4.1 Right to freedom of expression

Every child has the right to freedom of expression (Article 13 CRC). This is connected to the right to be heard and the right to information, and includes the freedom to seek, receive and impart information, regardless of possible barriers. Children are free to express themselves orally, in writing or in print, through art or any other media. However, this right may be restricted, if the law specifically allows it and if it is necessary to respect the rights or reputations of others, or for the protection of national security, public order, health or morals.

3.4.2 Right to freedom of thought, conscience and religion

Article 14 of the CRC requires the state to respect a child's right to freedom of thought, conscience and religion. It also respects the right of parents or guardians to guide children in exercising this right in accordance with their evolving capacities. Again, the more a child is capable of understanding, the more weight his or her views will carry. The right to freedom of thought is absolute and cannot be restricted. The right to freedom of conscience and religion can be limited only if it is necessary for the protection of public safety, order, health or morals (for example female genital mutilation), or to protect the fundamental rights and freedoms of others.

3.4.3 Right to freedom of association and to freedom of peaceful assembly

Article 15 of the CRC protects a child's right to gather together with others and collaborate for a common purpose, and requires states to recognise the child's right to freedom of association and to freedom of peaceful assembly. The right to freedom of association includes the right to form

an association, to participate in and to leave associations (Blaak e.a., 2012: p. 282). These rights must not be restricted, unless the law specifically allows it and restriction is necessary in a democratic society to protect national security, public safety, public order, public health, morals or the rights and freedoms of others.

3.4.4 Right to privacy

Children may not be subjected to arbitrary or unlawful interference with their privacy, family, home or correspondence, and a child's honour and reputation may not be attacked unlawfully (Article 16). Children need to be protected against such interferences or attacks by both society itself (citizens), and by the state (governments). This right is applicable in all settings, ranging from alternative care to children in conflict with the law. The implementation of this right is essential to ensuring the child's rights to participation, since children must feel free and secure to express their views without interference with their privacy.

3.4.5 Right to access to information

The right to access to information (Article 17 CRC) is particularly important in relation to the right to be heard. Children should know why they are being consulted and how the process will work, and they should receive information about the issue at stake. Before children express their views, first they need access to the information necessary to form those views. Without that information, the participation process will produce less meaningful and less effective outcomes.

This provision requires states to recognise the importance of mass media, and to ensure that children have access to information and material from a diversity of sources both national and international. In particular, children should have access to information promoting the social, spiritual and moral well-being and physical and mental health of

children. The term "access" not only refers to the ability to receive information, but also to the accessibility of information, which should be consistent with the child's level of development.

To ensure this right, states are required by the CRC to encourage mass media to disseminate information, to encourage the production and dissemination of children's books and the development of appropriate guidelines for the protection of the child from information and material injurious to his or her well-being. Like all the rights in the CRC, Article 17 is applicable to all children, including those who are less likely to have access to information, such as children with a disability or children deprived of their liberty.

3.5 Participation in relation to other children's rights

Since the right to be heard is one of the Convention's general principles, all other CRC rights must be interpreted in this light. And since the realisation of this right is conditional on the successful application of Articles 13-17, these should be borne in mind as well. Participation rights are universally applicable; whether in the family, in alternative care, in health care, at school or in other settings, children need to be enabled to participate. This applies to all children, without discrimination (Article 2), and the best interests of the child should always be a primary consideration (Article 3). This last is crucial to child participation, since it obliges states and other actors to assess continuously that which is in the best interests of the child. And since participation enables children to develop a sense of independence, autonomy, resilience and heightened social competence (Lansdown, 2005: p. 17), it can also be regarded as beneficial in light of their right to life, survival and – especially – their development (Article 6).



2012: Kesz Valdez, The Philippines

Kesz received the International Children's Peace Prize for his achievements in helping street children in his country. As a little boy, Kesz lived on the streets and dumpsite of Cavite City in the Philippines, at constant risk of disease and injury. At the age of 5, after he was severely burned on the dumpsite, a social worker took Kesz into his home and gave him a loving and safe life. Kesz did not forget about the street children he left behind, and for his seventh birthday, he wanted no presents for himself, but instead asked for flip-flops for his former companions, so that they would no longer cut their feet on the streets. Kesz' organisation, Championing Community Children (C3), became a fact. Since then, many people have joined Kesz, and C3 has become a great success, providing training about hygiene, children's rights and healthy food, along with guidance on how to pass the training along to other street children. In 2012, the organisation had already helped over 10,500 children in 48 different communities, treating more than 3,000 wounds and distributing more than 4,000 toothbrushes.

Kesz received the International Children's Peace Prize at the age of 13, from Nobel Peace Laureate Desmond Tutu.

4. Making child participation real

4.1 Key stakeholders in child participation

It has been shown in Section 3 that the realisation of child participation is not just relevant to the CRC, but also a legal obligation arising from it. The question which follows is who can realise these rights. There is a range of main actors, or key stakeholders, who play different roles in child participation. In principle, the Convention on the Rights of the Child is only legally binding on states, as they have signed up to the commitments set out in the CRC. States need to take all appropriate measures to realise the right of children to participation, including bringing their legislation in line with the CRC, establishing human rights institutions, providing training on the right to participation for relevant groups and individuals in the community, ensuring appropriate conditions for supporting and encouraging children to express their views, and safeguarding these views so they are given due weight. States also need to combat negative attitudes towards child participation (General Comment No. 12, par. 48-49; see also Section 3). Although states bear the primary obligation to implement the CRC, other actors also play a role in realising child participation. In fact, with the approach of the state serving as their starting point, several of these actors play a significant role in giving meaning in practice to the concept of child participation.

The most important actors, when it comes to enhancing child participation rights, are of course children themselves. They should therefore be made aware of opportunities to participate, and of the impact they can make. They should be informed of the possibilities for, and consequences of, their participation. Other actors, such as parents, school and the community play an important role in this, creating an environment which enables children to participate effectively. Children are also the best ambassadors for child participation, and can encourage other children to participate too. The Children's Peace Prize winners are all perfect examples of this, like Mayra Avellar Neves (winner 2008), who, at the age of 15, mobilised hundreds of youths to join a successful community march against violence (see text box Mayra, p. 5). Or Neha Gupta (winner 2014), who supports and inspires children internationally in their endeavours to help vulnerable children (see text box Neha, p. 21). And also Chaeli Mycroft (winner 2011), who fights for the rights of children with a disability, has developed an ambassadors programme to inspire and support children to start their own projects (see text box Chaeli, p. 11). The impact made by Mayra, Neha, Chaeli and the other winners is a clear demonstration of what children can achieve through their own initiatives.

"In my activism I try to get young people excited about finding their passion. I think young people are the key to progress because of their resilience and determination to make things happen."

Chaeli Mycroft (International Children's Peace Prize winner 2011)

Parents, families, legal guardians and other caregivers all play important roles in ensuring the right of children to participate. This is especially true of parents and legal guardians, who are primarily responsible for the upbringing and development of the child (Article 18). Through this role, they can make a real difference when it comes to child participation. Although parents and guardians are entitled to privacy and respect for the choices they make in raising their children, this has to be balanced with children's rights. The child's evolving capacities are relevant here; the more evolved a child's capacity is, the more his or her views should be taken into consideration, in balance with other interests, such as those of the parents. However, children should not be burdened with inappropriate expectations or levels of responsibility. Family members and other caregivers should encourage children to participate within and outwith the family setting. Within the family setting, they should create an environment where children feel safe and confident to express their own views, and these should be taken seriously. Outside the family setting, they can encourage children and help them to make well-informed choices.

In a study conducted by UNICEF South Asia, several countries were asked to identify good examples of child participation, gathered with a range of approaches such as interviews and focus groups. The results showed that where parents respected children's views, this did not lead to a lack of respect for their parents on the part of the child. In fact, many children and parents reported positive outcomes including improved family relationships, greater respect for parents, friendlier parents and contributions to the local community (UNICEF ROSA, 2004: p. 46).

Considering the amount of time children spend at school and the important role that education plays in children's development, schools also play a key role in realising children's participation rights. Education is an important condition for children's rights to participation, as children should be learning about their rights as well as exercising them (see also Hazelzet, 2013). The earlier children learn to participate, the better. Schools can achieve this by establishing and embedding participatory practices such as peer education, peer counselling and support, involving

children in classroom design and the development of education policies, and establishing youth/school councils whose views influence decisions which impact upon students. It is important that teachers do not view children as passive recipients of their teaching, but respect their abilities and views and recognise the important part they play in encouraging and stimulating them.

At Highfield School, a primary school in England, there were high levels of violence, dissatisfaction and bullying in the early 1990s. A consultation of staff and pupils led to the establishment of a school council in which the children were given genuine responsibility, and a weekly session where issues of concern were discussed by the children. Children were also trained as mediators in order to resolve problems in the playground. After these changes, the children became happier, while acquiring a range of useful life skills and a sense of social responsibility, and the school achieved better educational results (Lansdown, 2005: p. 59).

Local governments and authorities also have an important role to play in strengthening child participation. By making it a priority and involving children in their decision-making processes, local bodies can benefit from children's ideas, while children get to express their views and participate in decisions that affect their local communities and environments. "Child-friendly cities" are a prime example of this, and will be explored in Section 5 below.

Non-Governmental Organisations (NGOs) and other community based organisations can be important actors in child participation as well. Through their networks and contacts, they can reach and connect with a wide range of people, expanding awareness of child participation and increasing its positive impact. Such organisations can also conduct research on best practice in different settings, and advocate measures to encourage and facilitate this best practice at local, national and international levels. They play an important role in placing child participation on regional, national and international agendas, calling on governments to act.

NGOs have undertaken many initiatives in the field of child participation, such as Save the Children's "spider tool", an effective self-assessment and planning tool for children who want to set up child-led initiatives or participate within other organisations (Feinstein & O'Kane, 2005). NGOs and other organisations should be further encouraged to collaborate and accelerate progress on children's rights to participation. The United Nations and its agencies have a particularly important role to play in this regard, given their global reach and focus.

An often forgotten but important actor in child participation is the private or business sector. The activities of business and private organisations can have a significant impact on children's lives, so promoting their role in child participation and including them in activities that support child participation can not only improve their own business practices, but also make a positive impact on children's rights. The Children's Rights and Business Principles – principles guiding companies on respecting and supporting children's rights – are important for the private sector's growing recognition of children's rights and the significant role that this sector has to play.

The (mass) media has an important role to play in child participation; it is well placed to raise awareness about the challenges faced by children. It can also be used to inform children, parents and other actors about the importance and implications of child participation, and to publicise relevant initiatives. The media should also be conscious of its strong influence on children, taking steps to protect them from harmful information.

Finally, people who work directly with children, in alternative care settings for example, should be educated, trained and encouraged to enable children to participate. It is important that the training they receive is sufficient to enable them to realise child participation through their professional roles.

Although this report can only touch briefly upon the role of each of the above actors in substantiating child participation, it is important that they are all encouraged and supported by the state to fulfil their responsibilities. They should receive proper information about the part they can and should play; the importance of child participation and the best way to make it a reality. The state is ultimately responsible for the implementation of the CRC, but in practice its success depends on the willingness of its stakeholders to act. Collaboration is therefore essential, to establish a culture which makes child participation possible.

4.2 Challenges in realising child participation

The idea of children as full citizens, capable of participating, is still evolving across the world. In practice, there are many challenges still in the way. At a fundamental level, the lack of clarity around the definition of child participation is problematic. It is often confused with the child's right to be heard, only one aspect of child participation. As shown in Section 3, the concept of child participation covers much more, such as the right of access to information and the right to privacy. These two rights are important conditions for ensuring effective participation, and should therefore be



2013: Malala Yousafzai, Pakistan

Malala received the International Children's Peace Prize for standing up for every child's right to an education, especially that of girls. When Malala was 11 years old, she wrote under a pseudonym about her passion for learning and the oppression of the Taliban. Hundreds of girls' schools had already been torched or bombed, and on 15 January 2009, the Taliban declared that girls were no longer allowed to go to school at all. Malala told the world what it felt like to be trapped at home, longing to go to school, but with no school to go to. Undeterred, Malala continued her campaign. In 2010, she became chair of The District Child Assembly of Swat; a child-only forum to protect children's rights, based on the Convention on the Rights of the Child. On 9 October 2012, Malala was sitting in a school bus waiting to go home when it was boarded by Taliban gunmen. They singled out the 15-year old girl, and shot her in the head and neck. Malala survived. She was rushed to the UK for treatment, where, with her family by her side, she made a steady recovery. The world was shocked at her story, and support flooded in from political leaders, movie stars and school children. Undeterred by the shooting, Malala used her new, global platform to carry on campaigning with renewed determination.

Malala received the International Children's Peace Prize at the age of 16, from Nobel Peace Laureate Tawakkol Karman.

recognised as parts of the wider process of participation.

Furthermore, adults – despite good intentions – can wrongly assume that the lowest three rungs of the participation ladder qualify as genuine participation. They fail to recognise the importance of informing children and providing them with feedback about the weight given to their views. Awareness-raising campaigns can be used to help spread this kind of knowledge.

Although progress has been made and views have evolved, adult resistance is a serious barrier to child participation, based often on cultural beliefs and power relations. Traditionally, there is a tendency to assume that children lack competence to participate in issues and decisions affecting them. Their views are not seriously considered, and their participation might be regarded as a risk to good project outcomes.

It is believed by some that to allow children to participate in decision-making processes is to undermine their respect for adults. In some cultures more than others, it is a deeply rooted belief that children should be silent in the presence of adults, never contradicting them, their views irrelevant. More widely, it is often believed that child participation causes conflict within families and encourages bad behaviour. Sometimes, adult resistance is simply based on a failure to recognise and respect children's capacities, and on the desire to (over-) protect them (Clacherty & Donald, 2007: p. 148-154; Lansdown & O'Kane 2014, p. 6-7). Awareness raising campaigns can help to change these attitudes among adults.

"The biggest challenge in realizing child participation is because most adults and some organizations, and like governments here in our country, they view children with limited opinions so they tend to overlook their capacity to participate in nation building."
Kesz Valdez (International Children's Peace Prize winner 2012)

A third obstacle in the path of child participation is lack of adult capacity to properly encourage, support and facilitate child participation. Whether for a community project, the development of a policy or the solving of a problem, child participation requires adults to possess appropriate skills and knowledge relating to child development; they must know how to inform children, and to let them express their views, how to give feedback on the decision-making process, and outline the next steps. Adults must be capable of making a good assessment of the child's maturity and capacities, so that his or her views can be taken into account accordingly, without putting them under too much pressure or responsibility. When adults do not have the capacity and skills to enable children to participate effectively, this can lead to a negative form of child participation, placing it on the lowest three rungs of the child participation ladder.

At national or state level, a lack of legislation and policies relating to children can also stand in the way of full realisation of their participation rights. If there is no clear frame of reference regarding the role of the child and the obligations of the state, then progress in any comprehensive way is difficult. Embedding these obligations at the domestic

level is a necessary first step towards realising children's participation rights.

Without sufficient monitoring and measuring systems at local, national and international level, an accurate picture cannot be built of the extent of child participation, its forms and its impact. In itself this becomes a challenge to the realisation of child participation. Standards, tools and indicators are needed to measure how child participation is being realised, its impact and its outcomes. They can also guard against non-discriminatory practices, and motivate key actors to improve systems, reach and practices. Such monitoring systems should be the responsibility of a National Human Rights Institution and a Children's Ombudsman (see also General Comment No. 12, par. 46-49).

Finally, without access to justice and proper remedies it is hard for children to challenge violations of their rights. Participation rights, such as the right to be heard, are fundamental to this question. Access to justice is an important prerequisite to realising child participation, and to stimulating stakeholders to comply with children's rights. If children can challenge violations of their rights, this will give a clear signal to other actors that they must also comply with children's rights (see for challenges also Clacherty & Donald, 2007: p. 148-154; Lansdown & O'Kane 2014, p. 6-7).

5. Child participation in practice

5.1 Child participation: an essential part of children's everyday lives

Children's rights to participation should be embedded in a range of settings, such as family, school, healthcare, alternative care, and the workplace. There are still serious challenges to overcome, but there are also signs that the status of child participation is improving. Three positive examples are the Millennium Development Goals (MDGs) and the Post-2015 Development Agenda; access to justice; and child-friendly cities. These show child participation in practice at different levels, and illustrate how diverse it can be.

5.2 Millennium Development Goals & the Post-2015 Development Agenda

5.2.1 Millennium Development Goals

In 2000, the Member States of the United Nations agreed to work on eight Millennium Development Goals to be achieved by 2015. These goals cover basic human rights, such as the eradication of extreme poverty and hunger, and the achievement of universal primary education. Because of their focus, the MDGs relate to children's rights, and their fulfilment will affect children's rights positively, both directly and indirectly (see image p. 17). The extent to which children have been included in the realisation of these MDGs is difficult to say, due to lack of data, and the difficulties of measuring their precise impact. This demonstrates the need for more research in the area of child participation, but certainly does not mean that children have not contributed to the realisation of the MDGs. Clear examples are the initiatives of Children's Peace Prize winners. Nkosi Johnson (winner 2005) fought to raise awareness for children with hiv and aids, a direct contribution to the goal of combating hiv and aids (see text box Nkosi, p. 1). Thandiwe Chama (winner 2007) and Malala Yousafzai (winner 2013) have both worked towards the realisation of universal primary education (see text box Thandiwe, p. 4 and text box Malala, p. 16). Child participation has in these cases produced exceptional results.



Source: www.unexhibitsny.org, 2014

5.2.2 The Post-2015 Development Agenda

As MDGs reach their agreed deadline in 2015, a new agenda is being drafted at international level: the Post-2015 Development Agenda. At the time of writing, negotiations are underway about the targets to be included. The resulting agenda will strongly influence policy frameworks concerning development, and will therefore impact children's rights too. Since almost half of the world's population is under the age of 25, and children are disproportionately affected by the most pressing problems facing their communities and countries, it is highly appropriate – and indeed, necessary – to involve children in setting the Agenda (UNFPA, 2011: p. 3).

Youth engagement is much more visible in the development of the Post-2015 Agenda than it was during the process of developing and negotiating the original MDGs (DFID CSO Youth Working Group, 2014: p. 5). This time around, children and youth have been involved in several national and international consultations, such as discussions with the UN High Level Panel in London (2012). A special session took place in London for youth, where two sets of 10-minute roundtable discussions took place. Youth representatives set the context for the discussion and formulated a number of main points, such as the need to rethink education and the lack of decent jobs (DFID CSO Youth Working Group, 2014: p. 5).⁶ This is significant, given that the High Level Panel is tasked by the UN with leading the development and negotiation of the Agenda. The United Nations has also created two interactive, online platforms, 'MY World 2015'

and 'The World We Want 2015',⁷ with a special version for children: 'The World Children Want'.⁸ MY World 2015 is a global survey which gives those with internet access the opportunity to list six domains which should be included in the Post-2015 Agenda. The World Children Want consists of online questions concerning children's lives and their visions. They can even upload drawings, photos and videos. However, the extent to which their views will be taken into consideration remains to be seen.

National consultations with children, and with vulnerable children such as orphans, victims of violence and indigenous children, have been conducted all over the world. In October 2014 a UN review report presented the most important findings of these consultations (Office of the Special Representative of the Secretary-General on Violence against Children, 2014). According to the review report, children rank education as their highest priority (Office of the Special Representative of the Secretary-General on Violence against Children, 2014: p. 13). Combating violence in all settings was found by children to be second most important overall.

Another analysis of children's views was made through consultation with 346 young people and online surveys of 395 young people across 12 countries (DFID CSO Youth Working Group, 2014).⁹ Analysis of these views led to the formulation of 11 principles which should be reflected in the Post-2015 Agenda. Of these principles, the most important were equality and freedom; fair, responsible and accountable governance; and environmental sustainability. Young people said governance was the most important issue; they would like to see effective governments that are held to account, together with governance structures where young people can access decision-making processes. Other issues identified by young people in this survey include access to citizenship for all, and affordable quality healthcare and education. These areas could be improved, they felt, by empowering people, increasing collaboration among different actors, and by better harnessing technology.

It seems, therefore, that children and youth are properly involved in the development of the Post-2015 Agenda; they are being consulted and informed, and their views are being heard and taken into consideration. That their views are being taken seriously is evidenced by their inclusion in the reports which help to inform and determine the Agenda. It remains to be seen how their views will be reflected in the final Agenda, to be determined at a UN summit in New York in September 2015. Nevertheless, this level of child participation in the development of the Agenda reflects a positive move at international level to incorporate processes

which are more child-friendly, and which place emphasis and value on the views and involvement of children. Hopefully, this approach will transfer and inspire greater levels of child participation in other international-level initiatives and projects affecting children.

Children's visions for a post-2015 world:

"We see a world that values diversity, environmental sustainability and active participation by all citizens. A world that operates an economic system based on fairness and equality, where everyone feels safe and has access to basic services such as health and education and where the standards of those services are high no matter what people's background or economic situation. No young person in this world would be excluded or marginalised because of gender, ethnicity, disability or sexual orientation. Young people in this world are incorporated into decision making processes and given access to the levers of power regardless of their background."

DFID CSO Youth Working Group, 2014: p. 4

5.3 Child-friendly justice & access to justice

The recognition that children have a right to justice is not new. However, the concept of child-friendly justice has only recently started to evolve, including the shift from the perception that children need to be protected, towards the acknowledgement that children require child-friendly justice to be able to exercise their rights. In 2010 the Committee of Ministers of the Council of Europe adopted the child-friendly justice guidelines (CoE, 2011). These guidelines qualify child-friendly justice as "... justice that is accessible, age appropriate, speedy, diligent, adapted to and focused on the needs and rights of the child, respecting the rights of the child..." (CoE, 2011: p. 4). It applies to all types of procedures, including criminal law procedures, but also concerns children at the police station and children in divorce or alternative care proceedings. It underscores the right to participate as one of the crucial rights which must be respected.

Importantly, children were involved in the drafting process of these guidelines. Questionnaires were distributed in 25 countries, resulting in 3,721 replies. The outcomes showed that children in particular find it important to be treated with respect, to be listened to, to be provided with explanations in a language they understand, and to receive information about their rights (Kilkelly, 2010: p. 3); factors all linked to the effective exercise of their right to participate. These aspects (and other views of children) were prominently reflected in the guidelines, which contain detailed and

effective guidance on how to realise child-friendly justice and how to guarantee various participation rights. It details what children should be informed about (such as their rights and the procedures) and requires professionals working directly with children to be trained to communicate with them. It requires children to be treated with dignity, defines the right to be heard, and gives children the explicit right to legal counsel and representation. This inclusion of children's views demonstrates the growing awareness of child participation, and shows how it can, without doubt, bring added value.

Access to justice is a key condition underlying child-friendly justice, since it enables children and other actors to challenge child rights violations, and to exercise their participatory rights. Access to justice is defined by the UN as "the ability to obtain a just and timely remedy for violations of rights as put forth in national and international norms and standards, including the Convention on the Rights of the Child" (OHCHR, 2013: par 3). It is necessary to think of access to justice as a separate idea from juvenile justice, which concerns children who are alleged as, accused of, or recognised as having broken the law. Access to justice covers all relevant settings affecting children, whether civil, criminal or administrative.

Access to justice is not only relevant in the court system (national courts, but also regional courts, such as the Inter-American Court of Human Rights and the European Court of Human Rights); it extends to other systems as well. National Human Rights Institutions (currently 100 worldwide)¹⁰, for example, are assigned to promote and monitor the effective implementation of human rights at national level and can often receive complaints, usually including child complaints. Furthermore, many countries have established a children's ombudsman (such as Norway, Spain and the Netherlands) who is able to deal with children's rights complaints.

Another important step forward is the entry into force in April 2014 of the Third Optional Protocol to the CRC on a communications procedure, which enables (representatives of) children to submit complaints about children's rights violations to the UN Committee on the Rights of the Child. All these initiatives show an increase in global recognition of the importance of child participation. Justice must be accessible and child-friendly if children are to exercise their participation rights and stand up for their rights in general.

5.4 Child-friendly cities

Almost half of the world's children live in urban areas (UNICEF, 2012: p. 2). Conditions vary greatly, but many

children living in cities face challenges such as poverty and exclusion (UNICEF, 2012: p. 3-4). Some cities have taken a step forward by signing up to the child-friendly cities initiative launched in 1996.¹¹ This project offers a framework to help cities to become more child-friendly in all aspects of governance, environment and services, in order to improve children's lives and to help make children's rights real. Emerging in response to globalisation and the increasing responsibilities of local communities, it encourages cities to put children first in decision-making. It aims to make cities safe and accessible for children, and to ensure that their rights are respected. It involves children, at local level, in bringing their rights to life.

A Child-Friendly City guarantees the right of young citizens to:

- participate in family, community and social life
- be an equal citizen with access to every service, regardless of ethnic origin, religion, income, gender or disability
- influence decisions about their city
- express their views on the city they want
- be protected from violence, abuse and exploitation
- have green spaces for plants and animals

Source: UNICEF, 2004: p. 1

In order to create child-friendly cities, it is important to gain a thorough understanding of children's needs and their lives, at their particular stage of development. Child participation is crucial to this, given that it is children themselves who have the best knowledge about their own needs and situation. Children should be informed about the role their views will play and the process of participating. They should also be enabled to express their views in a child-friendly setting and they should receive feedback on how their views have been used once decisions have been made or outcomes have been reached.

Engaging with children to create child-friendly cities can take place across many levels of the participation ladder or flower. Cities can, for example, set up children's councils to involve children in governance, which can either lead to consulted and informed participation (rung 5 of the ladder) or adult-initiated shared decisions with children (rung 6), depending on how children's views are dealt with. Despite the advantages of recognising children's capacities, there has been some criticism that children can only be enabled to participate in local governance to a limited extent, since councils usually involve only a few children who are rarely widely connected to the peers they are supposed to represent (Hart, 2011: p. 16).

However, as the practice of the Dominican Republic shows, this is not an impossible challenge. All school children in child-friendly cities in the Dominican Republic are involved in election campaigns for school children’s councils. By participating in these election campaigns, children learn about their citizenship rights. In other cities, children are included in the assessment and regular monitoring of their neighbourhoods’ physical environment; they are invited to design and plan community playgrounds, parks and other facilities; and child-led initiatives are encouraged and supported.

In Christchurch, New Zealand, the City Council set up several projects for child participation, such as the 4YP (For Young People) Project. Children are trained to organise community events to raise awareness about the importance

and benefits of child participation, contributing in turn to their own participation rights.¹²

Even without this child-friendly framework, International Children’s Peace Prize winners have shown that children can make powerful appeals to improve child rights in their cities. Mayra Avellar Neves (winner 2008) mobilised hundreds of youths for a community march against violence, leading to an agreement with the police which enabled children to return to school (see text box Mayra, p. 5), and Kesz Valdez (winner 2012) has helped thousands of street children through his organisation to access their basic rights (see text box Kesz, p. 13).

Bal Mitra Gram

Bachpan Bachao Andolan (BBA), an Indian movement for the protection of children, developed the concept of ‘Bal Mitra Gram’.¹³ This model promotes the development of child-friendly villages, with the active participation of the village’s children. It creates a legitimate democratic space for them, and ensures that each child goes to school. Child participation is assigned as an important strategy to accomplish these goals, and the formation of a local Children’s Parliament serves as an effective tool to influence micro level.¹⁴ Other stakeholders, such as schools and elected representatives, have been included in the strategy, acknowledging the important role they have to play. By involving local communities and the children themselves, Bal Mitra Gram has proven to be a successful formula.



Source: www.bba.org.in, 2014



2014: Neha Gupta, United States of America

Neha received the International Children’s Peace Prize for her assistance, from a young age, to vulnerable children, inspiring thousands of children worldwide to participate in making the world a better place. Neha is of Indian origin, born in New Zealand and a citizen of the United States. During annual visits to her grandparents in Northern India, Neha had always volunteered at the local orphanage alongside her parents, making friends with the children there. At the age of nine, Neha realized that her friends in the orphanage lacked many of the opportunities in life that she had taken for granted; it was harder for them to go to school, to be healthy and to develop to their fullest potential. Neha started raising money to help the children, developing campaigns and starting her own organization, Empower Orphans. In the past nine years, her organization has raised more than \$ 1 million and has helped 25,000 orphaned and underprivileged children. Neha not only helps vulnerable children in India, but also in her home region of Philadelphia in the United States. Neha also supports and inspires children in other countries to carry out their own projects to help vulnerable children. Neha is therefore not only a changemaker herself, but she is also creating a global community of changemakers.

Neha received the International Children’s Peace Prize at the age of 18, from Nobel Peace Laureate Desmond Tutu.

6. Conclusion & recommendations

Since the adoption of the CRC, children can no longer be viewed as mere passive, dependent objects. Instead, they have to be – and increasingly are in practice – regarded as rights holders and members of society with participation rights. There is a growing recognition of the importance of child participation among states and other key stakeholders. It boosts children's self-esteem and self-belief, and teaches them life skills such as team working and problem-solving. Better decisions and more balanced outcomes are reached as a consequence of extending participation to children, and for governments, it has become a mark of good governance and social inclusion. The form of participation most appropriate to particular situations — assigned but informed; consulted and informed; adult-initiated shared decisions with children; child-initiated and directed; or child-initiated shared decisions with adults – depends on the context and circumstances. Manipulation, decoration and tokenism should be avoided, since these are not forms of genuine participation, leaving children uninformed and their rights to participation unfulfilled.

The responsibility to fulfil children's participation rights lies with all 194 states that have endorsed the CRC. They are obliged to ensure that children find themselves in an environment which enables them to participate in matters affecting them. Other stakeholders also play a key role in making children's rights to participation a reality. Parents, for example, are an important source of information about how children can participate and what the impact of their participation will be. Schools, responsible for a significant part of children's education, should empower and enable them to participate in policies and programming at school and in other settings. Local authorities, NGOs and community-based organisations, regional and international organisations, the private and business sectors, the (mass) media and people who work directly with children all play a vital role in realising children's participation rights; they need to be informed of its importance, and equipped with the tools and practices necessary to achieve genuine child participation. States need to support and encourage these key stakeholders through legislation, policies and other (financial) means and resources.

It is fair to conclude that there is a growing awareness of the importance of children's rights to participation. This report has presented three examples at different levels: while the role of children in realising the MDGs is hard to identify, indicating a need for more data, their participation in shaping the Post-2015 is plainly visible. The development of child-friendly justice in Europe, involving children in drafting guidelines, also demonstrates the rising status of child

participation. This trend can also be seen in the emergence of child-friendly cities across the world, which involves a diversity of forms of child participation, ranging from setting up school councils to allowing children themselves to raise awareness about child participation.

Despite the growing recognition of the significance of child participation, there are still obstacles standing in the way of its full realisation (see section 4). Participation must be seen as more than the right to be heard, but as a wide range of rights including the right to privacy and the right to access information. Adult resistance must also be overcome, challenging traditional perceptions that listening to children and taking their views into account are of limited value, that authority will be lost, or that outcomes will conflict with their own interests. Where adults are willing, it is vital to offer them the right training and resources to make child participation a successful process.

Legislation and policies should provide an appropriate framework to overcome these challenges, addressing all necessary steps to realise child participation, such as regulating the training of professionals working with children. Careful monitoring of child participation is also essential, in order to assess the extent of participation, to explore its importance, to assess its impact on children, and to evaluate its outcomes. Finally, it is important to grant children access to justice and effective remedies to enforce their participation rights while also safeguarding their other rights.

In conclusion, child participation is a crucial children's right. Enabling them to participate is not only enriching for children, but also for legislators, policy makers and other decision makers, including parents, caretakers, teachers and community workers. The ten winners of the International Children's Peace Prize are all powerful examples of what children can achieve. Yet, after 25 years of the UN Convention on the Rights the Child, there is still a long way to go before child participation will be fully realised. This report concludes with the following recommendations, some of which come from children themselves:

- All relevant stakeholders need to be provided with appropriate training and resources to make child participation work in practice. This includes strengthening communication skills, ensuring hearings are child-sensitive, and learning how to strike the right balance between enabling child participation and protecting children from the potential harm of too much responsibility. Family, school and the community should be of special focus, since these are the most important

- living environments for children.
- States should adopt and implement legislation that embeds the Convention on the Rights of the Child and other core international and regional human rights standards at national and local level, including the child's right to participate.
 - States should develop policies to encourage child participation, requiring the inclusion of children's views in decision-making that affects children. They should also develop procedures to ensure that children's views are given due weight in all contexts.
 - States should allocate sufficient funds to realise child participation at all levels, for instance for the development of child-friendly cities.
 - States, together with international organisations and NGOs, should take active steps to raise awareness about child participation, its importance, and the role of stakeholders at different levels in putting child participation into practice. Negative attitudes must be challenged, and it must be made clear that failure to properly inform children can lead to manipulation, decoration or tokenism. Children should be fully informed about why they are being consulted, how the process will work, and the issue at stake itself.
 - States, together with international organisations and NGOs, should facilitate child participation at regional, national and international levels using a range of methods which reach a wide cross-section of children (eg age, geographic spread, life experience, vulnerable groups). These include social media; creative means such as art, song and dance; and face-to-face dialogue.
 - States should encourage collaboration at local, national, regional and international level between different stakeholders, including NGOs, community-based organisations and authorities (for example sharing good practices of child-friendly cities).
 - States should establish effective mechanisms, such as a National Human Rights Institution and a Children's ombudsman, to develop, monitor and evaluate participatory practices and report on child participation at regular intervals.
 - International organisations and NGOs as well as academic institutions should promote research and documentation on child participation.
 - States must be accountable for children's access to justice, particularly for vulnerable children, in compliance with child-friendly justice guidelines.

The biggest challenge is to ensure meaningful collaboration between adults and youth (youth adult partnerships), where youth is not only viewed as source of energy, but as professional colleagues who bring along specific knowledge, experience and skills."

Marinka Wijngaard (member of CHOICE for youth and sexuality)

Bibliography

- M. Blaak e.a. Handboek Internationaal Jeugdrecht. Leiden: Defence for Children, 2012
- J. Cashmore & P. Parkinson. What responsibilities do courts have to hear children's voices? *International Journal of Children's Rights*, 2007 15(1), 43-60
- G. Clacherty & D. Donald. 'Child participation in research: reflections on ethical challenges in the southern African context'. *African Journal of AIDS Research*. 2007-6, no. 2
- Council of Europe (CoE). Guidelines of the Committee of Ministers of the Council of Europe on child-friendly justice and their explanatory memorandum. CoE 2010. Online available at: http://www.coe.int/t/dghl/standardsetting/childjustice/Guidelines%20on%20child-friendly%20justice%20and%20their%20explanatory%20memorandum%20_4_.pdf
- DFID CSO Youth Working Group. Youth Voices on a Post-2015 World. 2014. Online available at: <http://www.youthpost2015.org/wordpress/report/youthvoices.pdf>
- C. Feinstein & C. O'Kane. Lessons learnt from the spider tool. A self assessment and planning tool for child led initiatives and organisations. London: Save the Children Alliance 2005. Online available at: http://www.oejaj.cfwb.be/index.php?eID=tx_nawsecuredl&u=0&file=fileadmin/sites/oejaj/upload/oejaj_super_editor/oejaj_editor/pdf/Outils_participation/Outil_5_A_lessons_learnt.pdf&hash=a890dd2b60d72017528b22eb5b505d1db0879440
- R.A. Hart. Children's Participation: from Tokenism to Citizenship. Florence: UNICEF International Child Development Centre 1992. Online available at: http://www.unicef-irc.org/publications/pdf/childrens_participation.pdf
- R.A. Hart, Planning Cities with Children in Mind. A background paper for the State of the World's Children Report, New York: Children's Environments Research Group 2011
- M.E. Hazelzet. 'Access Denied! Girls' Equal Right to Education in a global context, with a focus on Pakistan'. *KidsRightsReport*. Amsterdam/Leiden: KidsRights & Leiden university 2013. Online available at: <http://www.kidsrights.org/Portals/1/About%20us/KidsRightsReport%202013%20final%20LR.pdf>
- U. Kilkelly. Summary Report on the Consultation of Children and Young People concerning the Draft Council of Europe Guidelines on Child-Friendly Justice. Strasbourg: CoE 2010. Online available at: http://www.coe.int/t/dghl/standardsetting/childjustice/CJ-S-CH%20_2010_%206%20E%20-%20Draft%20report%20on%20Council%20of%20Europe%20consultation%20of%20children%20and%20young%20people%20by%20U.%20Kilkelly.pdf
- G. Lansdown. The Evolving Capacities of the Child. Florence: UNICEF 2005. Online available at: <http://www.unicef-irc.org/publications/pdf/evolving-eng.pdf>
- G. Lansdown & C. O'Kane. A Toolkit for Monitoring and Evaluating Children's Participation. London: Save the Children 2014. Online available at: <http://www.savethechildren.org.uk/resources/online-library/toolkit-monitoring-and-evaluating-childrens-participation>
- United Nations Office of the High Commissioner for Human Rights (OHCHR). Access to justice for children. Doc. No. A/HRC/25/35. 2013
- A. Parkes. Children and International Human Rights Law. The Right of the Child to be Heard. London/ New York: Routledge 2013
- K. Saywitz, L.B. Camparo & A. Romanoff. 'Interviewing children in custody cases: Implications of research and policy for practice'. *Behavioral Sciences and the Law*. 2010 28(4), 542-562
- Special Representative of the Secretary-General on Violence against Children. Why Children's Protection from Violence should be at the Heart of the Post-2015 Development Agenda. A Review of Consultations with Children on the Post-2015 Development Agenda. New York: Office of the Special Representative of the Secretary-General on Violence against Children. 2014. Online available at: http://srsg.violenceagainstchildren.org/sites/default/files/publications_final/why_childrens_protection_from_violence_should_be_at_the_heart_of_%20the_post_2015_development_agenda.pdf
- United Nations (UN). World Youth Report 2003. The Global Situation of young people. New York: United Nations 2004. Online available at: <http://www.un.org/esa/socdev/unyin/documents/worldyouthreport.pdf>

- United Nations Committee on the Rights of the Child (UNCRC). General Comment No. 12. The Right of the child to be heard. CRC/C/GC/12 2009. Online available at: <http://www2.ohchr.org/english/bodies/crc/docs/AdvanceVersions/CRC-C-GC-12.pdf>
- United Nations Population Fund (UNFPA). State of World Population 2011. People and possibilities in a world of 7 billion. New York: UNFPA 2011. Online available at: <http://www.unfpa.org/webdav/site/global/shared/documents/publications/2011/EN-SWOP2011-FINAL.pdf>
- UNICEF, 'Children in an Urban world, New York', The State of the World's Children, New York: UNICEF 2012. Online available at: http://www.unicef.org/sowc2012/pdfs/SOWC%202012-Main%20Report_EN_13Mar2012.pdf
- UNICEF Regional Office for South Asia (ROSA). Wheel of Change. Children and young people's participation in South-Asia. Kathmandu: UNICEF 2004. Online available at: http://www.unicef.org/rosa/Rosa_Wheel_of_change.pdf

Endnotes:

- ¹ UN Committee on the Rights of the Child. Online available at: <http://www.ohchr.org/en/professionalinterest/pages/crc.aspx> (Last accessed 30 October 2014)
- ² B. Meyer, <http://www.doingmathematics.com/blog/category/funny> (Last accessed 30 October 2014)
- ³ Human Rights Committee. Online available at: <http://www.ohchr.org/en/professionalinterest/pages/ccpr.aspx> (Last accessed 30 October 2014)
- ⁴ Council of Europe. Online available at: http://www.eycb.coe.int/compasito/chapter_5/10.html (Last accessed 30 October 2014)
- ⁵ UN Committee on the Rights of the Child. Online available at: <http://www2.ohchr.org/english/bodies/crc/docs/AdvanceVersions/CRC-C-GC-12.pdf> (Last accessed 30 October 2014)
- ⁶ United Nations Non-Governmental Liaison Service. Online available at: <http://www.un-ngls.org/spip.php?article4148#youth> (Last accessed 30 October 2014)
- ⁷ Online available at: <http://vote.myworld2015.org/> (Last accessed 30 October 2014)
- ⁸ Online available at: <http://www.worldwewant2015.org/children#> (Last accessed 30 October 2014)
- ⁹ The twelve countries are: India, the UK, Sierra Leone, Colombia, Kenya, Nepal, Kyrgyzstan, Croatia, the Philippines, Romania, Tanzania and Ghana.
- ¹⁰ International Coordinating Committee of National Institutions for the Promotion and Protection of Human Rights (ICC). Online available at: http://www.ohchr.org/Documents/Countries/NHRI/Chart_Status_NIs.pdf (Last accessed 30 October 2014)
- ¹¹ CFCI. Online available at: <http://childfriendlycities.org/> (Last accessed 30 October 2014)
- ¹² CFCI. Online available at: http://childfriendlycities.org/wp-content/uploads/2013/04/pdf/christchurch_fulldocument.pdf
- ¹³ BBA. Online available at: <http://www.bba.org.in/?q=content/child-friendly-village-0> (Last accessed 30 October 2014)
- ¹⁴ BBA. Online available at: <http://www.bba.org.in/?q=content/child-friendly-village-0> (Last accessed 30 October 2014)



Universiteit Leiden

KidsRights Foundation, November 2014

ISBN/EAN: 978-90-822558-9-8

This report has been prepared by Jill Stein (LL.M) under the supervision of Claire Achmad, LL.M and Prof. Dr. Ton Liefwaard,
Department of Child Law, Leiden Law School, Leiden University.

The author would like to thank KidsRights for their collaboration and input, Dr. Stephanie Rap and Silvia Gawronski
for their feedback on an earlier draft on this report, Maryse Hazelzet for her efforts, and Marinka Wijngaard,
Chaeli Mycroft and Kesz Valdez for their valuable input.

The KidsRights Report 2014 is sponsored and supported by our legal partner NautaDutilh

● **NautaDutilh**

www.kidsrights.org