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## I Have A Voice!

## Recommendations for Including Child Participation in European Union Decision-Making

#### Article 12 of the UN Convention on the Rights of the Child (UNCRC) provides:

- 1. 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.
- 2. For this purpose the child shall in particular be provided the opportunity to be heard in any judicial and administrative proceedings affecting the child, either directly, or through a representative or an appropriate body, in a manner consistent with the procedural rules of national law.

Children around the world are making their voices heard. Europe has often been at the forefront of the promotion, protection and fulfillment of the rights of the child, including the right to participation, but it is fair to say that of all the rights in the UN Convention on the Rights of the Child (UNCRC), participation is the one where we have made the least progress in terms of realization.

The European Commission made a firm commitment to child participation in its 2006 Communication "Towards a Strategy on the Rights of the Child". In an initiative toward putting this commitment into practice, Commissioner Margot Wallström held a live web chat with children across Europe, also in 2006, on the Future of Europe. Vivian Reding, Justice, Fundamental Rights and Citizenship Commissioner, reaffirmed this commitment in her confirmation hearing in the European Parliament in January 2010, calling on the Parliament to join her in ensuring children's voices were heard in the European Union (EU). What is now

needed is a strategy to ensure that meaningful child participation is systematically included in the decision-making process of the European Union.

On November 20th, 2009, Plan launched the "I Have a Voice!" campaign (www.ihaveavoice.eu) with the goal of bringing children's voices to the European Union, and urging the EU to act on its commitments to engage in meaningful child participation.

As part of this campaign, this report aims to clarify for European policy makers the concept of child participation; summarize existing guidelines for meaningful child participation; provide concrete examples of existing child participation mechanisms linking to government in Europe and around the world; and finally provide recommendations for the European institutions on how to move forward with ensuring meaningful child participation at the EU level.

# What is the right to child participation?

The UNCRC, the world's most universally ratified international human rights treaty, is guided by four general principles: non-discrimination; best interest of the child; the right to life, survival and development; and the right to participation.

Children are in the unique position of being subordinate to adults, while at times their best interests may differ from adults. Article 12 of the UNCRC assures that children have the right to form and express their own views on issues that affect them, and that those issues should be given weight according to their age and maturity. In practice this means adults listening and respecting children's opinions and views in the family, at school, and in the community, as well at the national level and beyond. Respecting their opinions means taking their views into account in the decision-making process, not necessarily that their opinions be automatically endorsed. This process of two-way dialogue provides also an opportunity for adults to share information with and provide quidance to children.

Child participation is a free-standing right, but also an important enabling tool for the realization and enjoyment of other rights. In situations such as adoption or separation of parents, for example, the views of the children concerned should be at the heart of decisions being taken on their behalf; in this way, the participation of children in the decision-making affecting their lives is enjoyed as a right on itself. In the case of education, a prerequisite to quality education is a system which informs children, encourages them to engage and contribute, and gives them the confidence and self-esteem to express themselves. Here we see how the right to participation unlocks the realization of other rights.

Child participation is "an ongoing process of children's expression and active involvement in decision-making at different levels in matters that concern them which:

- requires information sharing and dialogue between children and adults, based on mutual respect and power sharing;
- gives children the power to shape both the process and outcome:
- respects children's own evolving capacity, experience and interests in determining the nature of their participation".





## Children as citizens

Children are active citizens with both rights and responsibilities. A common misconception is that civil rights are directly related to voting rights. The UNCRC is the first international human rights instrument to explicitly recognize civil rights and freedoms of children. There are nine articles in the UNCRC relating directly to civil rights and freedoms of children:

- Name and nationality (Article 7)
- Preservation of identity (Article 8)
- Right to be heard (Article 12)
- Freedom of expression (Article 13)
- Access to appropriate information (Article 17)
- Freedom of thought, conscience and religion (Article 14)
- Freedom of association and of peaceful assembly (Article 15)
- Protection of privacy (Article 16)
- The right not to be subjected to torture or other cruel, inhuman or degrading treatment or punishment (Article 37 (a))

Human rights, including civil rights, begin from the moment a child is born. The registration of a child's birth with the civil registry often provides the basis for all subsequent rights to which the child is rightfully entitled, such as access to health and education, protection from all forms of economic and sexual exploitation, and

justice when a child comes in conflict with the law. As the child grows, civil rights become increasingly important as their capacity to participate develops. The right to be heard is a prerequisite for the realization of many of the other civil rights. As citizens, children have the right to participate in government decisions that affect them, and governments have the responsibility and obligation to listen to their views and opinions. The process of child participation in governance processes is also an important tool for teaching citizenship and encouraging active citizens.



## Benefits of meaningful child participation

The benefits of meaningful child participation are many for the child, the decision-makers and the community. At the same time, children engaging in participatory processes, speaking out, may face serious risks, which is why child protection must be a central part of any child participation work.

#### **Human Rights**

Child participation is not only a fundamental right, but it is a means by which other rights can be realized. We have given an example of how this is true for a child in terms of judicial proceedings, and in enjoying the right to education. Child participation can also strengthen the right to protection, providing information and mechanisms to break the silence around violence, for example. It is clear that increased child participation in decision-making processes creates more opportunities for children to be informed, to raise their opinions and concerns, and have them addressed at the local, national and regional level.

#### **Effectiveness**

There is a now a wide body of evidence to demonstrate that citizen's participation in policy and programme development and implementation improves the quality of those policies and programmes. This is equally true for children's participation, often children are considered inarticulate and unaware of the world around them, when in fact children can often identify issues overlooked by adults. After an earthquake in El Salvador, for example, girls who were consulted by Plan argued that new houses should be built with two rooms instead of just one for reasons of privacy, and protection from violence. These were issues adults had not mentioned. <sup>2</sup>

#### Citizenship

Engaging children, as citizens, in active decision-making can lead to both short and long-term benefits for society as a whole. Children that are able to contribute and engage in their community learn skills and attitudes that enable them to become more responsible citizens, and are also are more able to contribute to the economic growth of their community. Participation also has a lasting impact on children as individuals, increasing their knowledge, selfconfidence, and sense of responsibility. If the European Union



wants to encourage European citizens to become more engaged, they should start by engaging with young people through a dialogue process that is not only about listening to their views but also provides them with information which can inform, guide and inspire them to become active European citizens. 3





## What progress have we made?

Around the world, children are participating. They are fighting discrimination, poverty, and violence and they are making lasting changes in their communities. In the last 20 years, with almost universal ratification of the UNCRC, attention to the participation of children is growing in a wide range of areas, including health promotion, education, judicial systems, environmental campaigns, disaster risk reduction, research, and consultations on child abuse and exploitation.

It is fair to say, however, that to a large extent children remain excluded from public decision-making, both because they lack direct representation, but also because it has been a learning process to formalize child participation in public decision-making. For the most part, child participation in this area has been focused on facilitating children's presence at national and global events. This often meant children having a "place at the table" but little influence. Child participation is increasingly included in activities and projects in order to achieve other outcomes, but rarely as an objective in itself. Initiatives often struggled due to the lack of skills of both adults and children to engage in a meaningful participatory process. Such initiatives are limited in scope and as a result, initiatives have not led to broader changes in children's position in society. <sup>4</sup>

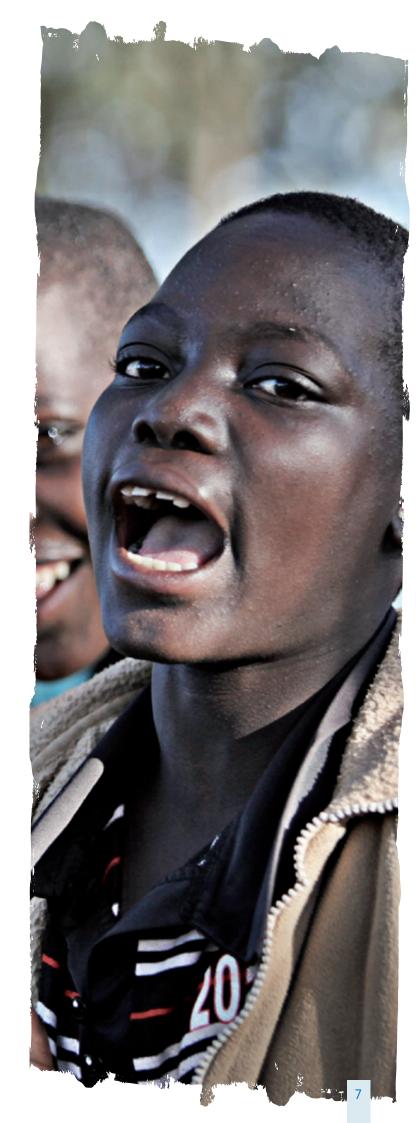
The most common limitation to child participation in public decision-making remains a prevailing attitude that there is no space for children; that it is either inappropriate or not beneficial to share information or power with children. Another challenge has been the issue of evolving capacities – how do we decide when a child is ready to participate in government decision-making?

But even for states that wished to act on their commitment on child participation, one of the key challenges in putting into practice the right to participation at the government level has been the lack of clarity on the definition of this obligation. States were not clear on their specific responsibility and what are the criteria for meaningful participation. For example, even the outcome document of the UN General Assembly's Special Session for Children in 2002, 'A World Fit For Children,' (WFFC) which established concrete goals for children's health, education, protection and HIV prevention, and recognized the importance of children's participation as a means for achieving those goals, did not articulate concrete targets and actions for children's participation and civil rights.

# Minimum standards for child participation

The UN Committee on the Rights of the Child sought to address this problem in July 2009 with CRC General Comment No 12: **the Right of the Child to be Heard** which outlines the basic requirements for the implementation of the right of effective and meaningful participation. In order to prevent tokenistic participation and one-off events, genuine child participation must be planned and facilitated as part of a process which is:

- Transparent and informative children must be provided with information about their right to participation, and how this will take place, its scope, purpose and potential impact;
- Voluntary children should never be coerced into expressing views against their wishes and they should be informed that they can cease involvement at any stage;
- Respectful children's views have to be treated with respect and they should be provided with opportunities to initiate ideas and activities. Adults working with children should acknowledge, respect and build on good examples of children's participation;
- Relevant the issues on which children have the right to
  express their views must be of real relevance to their lives and
  enable them to draw on their knowledge, skills and abilities.
  In addition, space needs to be created to enable children to
  highlight and address the issues they themselves identify as
  relevant and important;
- **Child-friendly** environments and working methods should be adapted to children's capacities;
- Inclusive participation must be inclusive, avoid existing patterns of discrimination, and encourage opportunities for marginalized children, including both girls and boys, to be involved.
- Supported by training adults need preparation, skills and support to facilitate children's participation effectively. Children themselves can be involved as trainers and facilitators on how to promote effective participation;
- Safe and sensitive to risk adults have a responsibility towards the children with whom they work and must take every precaution to minimize the risk to children of violence, exploitation or any other negative consequence of their participation; and
- Accountable a commitment to age-adapted follow-up and evaluation is essential.<sup>5</sup>



## Scope of child participation

Building on these minimum standards for child participation there are many ways to begin to implement commitments to the child's right to be heard. Child Rights expert Gerison Lansdowne identifies two keys elements when assessing the scope of child participation: the point of participation and the level of participation.

Children can be included at many different points of policymaking from conceptualization and policy development, to the budgeting process, policy planning, implementation, monitoring and evaluation. These are all opportunities to engage in a meaningful way with children. It is important to recognize as well that consultation is only one tool for child participation. Child participation in research collection, social auditing, and impact assessments are examples of other strategies for including children's views and opinions in decision-making.

In terms of the level of participation, Gerison Lansdown defines three possible levels of participation<sup>6</sup>:

- Consultative Participation which is an adult-led and managed process to listen to the views and opinions of children. While this limits the scope for real engagement, consultation does play a role in incorporating children's views and could be appropriate for governments that want children's input on new legislation or policy.
- Collaborative Participation which would be adult-initiated but would involve a partnership with children, allowing for increased self-direction, and which creates more opportunities for children to share power with adults.
- Child-initiated, led or managed participation where children themselves have control over the agenda and process and adults act as facilitators. This creates an opportunity for children to define their own concerns and priorities and a commitment by adults to share power with them.

Lansdown explains that while the level of influence and agency of children may differ in each, all three levels of participation are valid and appropriate and should be selected according to the process or opportunity at hand. Child participation processes will not necessarily remain at one level. There is a dynamic and often over-lapping relationship between them. A process can start as consultative, move on to becoming collaborative and ultimately create space for children to initiate their own agenda. 7





## Putting participation into practice for the European Union

There are many excellent examples of meaningful child participation structures and mechanisms that link children to government at the local and national level. The European Union can draw from these examples to ensure children's voices are heard in EU decisions which affect them. This would serve to increase their immediate engagement with children, and act as a guide for developing new structures where they don't already exist. Structures and levels of participation will vary depending on the European Union institutions and the decision-making processes concerned, but what is critical to ensure meaningful participation is that engagement is part of a long-term commitment to engage with children and ensure their views and opinions are heard.

#### Structures for Children's Participation

The key to sustainable child participation is the creation of structures that empower children and promote greater adult-child dialogue within their families and communities. The types of structures will depend on the context in which the children live and the type of participation used. The following list of child participation initiatives is not exhaustive, but is an attempt to illustrate some best practices that exist and also illustrate the different levels at which you can meaningfully engage with children, from individual and community level to national and regional bodies.





# Children's parliaments and councils

Children's parliaments are a formal space for children's engagement in decision-making at the national level. Child councils are similar structures at the local level. Many children's parliaments and councils already exist, and at their most basic functionality, they provide meeting places for children to learn about politics and debate, and may not aim to be representative of the diversity of their community or target decision-makers with their issues. However, with the right support and resources they can be representative structures which influence policy making. Examples of children's parliaments exist in most countries in the EU as well as around the world from Bolivia to Malawi to India.

#### **Funky Dragon**

Funky Dragon is the Children's and Young People's Assembly for Wales. At the heart of the structure lie the local forums, which elect representatives to the Grand Council. For each local forum there can be four types of representatives:

- Equality representative to represent youth who are harder to reach or special interests.
- Statutory representative who represents the statutory sector like schools, youth clubs, etc.
- Voluntary representative who represents the voluntary sectors like local charities e.q.
- School councils representatives

The Grand Council's aim is, among others, to make sure the voices of youth and children are heard by the relevant people and to include them in research on matters which affect them. Funky Dragon provides network for policymakers, both local and national, to access children's views and opinions.

www.funkydragon.org

Funky Dragon is also a member of the UK Youth Parliament which aims to enable young people to use their energy and passion to change the world for the better. Run by young people for young people, UKYP provides opportunities for 11-18 year-olds to use their voice in creative ways to bring about social change. The UK Youth Parliament has 600 elected MYPs elected in annual youth elections throughout the UK. Any young person aged 11-18 can stand or vote. In the past two years one million young people have voted in UK Youth Parliament elections. Once elected MYPs organize events and projects, run campaigns and influence decision makers on the issues which matter most to young people. All MYPs meet once a year at the UK Youth Parliament Annual Sitting.

www.ukyp.org.uk



#### **Bolivian Children's Parliament**

The proposal to set up a children's parliament in Bolivia came from children and youth themselves in 2003. The representatives are elected through the school system, giving the schools the opportunity to experience the democratic process, and meet twice a year. The agenda of the sessions vary from local issues to global issues, such as the war in Iraq. The Bolivian children's parliament gained such importance that at one point street children started to protest outside the children's parliament's session demanding increased donations to a social fund for children.

The Bolivian children's parliament has the power to undertake projects of law and petitions for written reports that are to be taken up in both Houses of the National Parliament through the Commission for Social Policy of the House of Representatives for corresponding action. The children's opinions are taken into account and respected because the National Parliament has to take up their decisions for debate. The children's parliament has begun to have such an impact that 'real' parliamentarians have started trying to influence them. 8

#### Children's Participation in Municipal **Budgets in Brazil**

The town of Barra Mansa, Brazil has been a leader in children's civic participation, including the existence of a children's participatory budget council since 1998. The Council is made up of 18 boys and 18 girls, elected by their communities, they are responsible for monitoring the city council's performance in regard to the wellbeing of young people. The city also allocates a small portion of its budget to be spent according to the priorities determined by the Children's Council. This example of a mechanism to ensure children's participation has been taken up by larger cities like Sao Paolo in Brazil and Newcastle-Upon-Tyne in the UK. 9

"(...) The children's opinions are taken into account and respected because the National Parliament has to take up their decisions for debate. (...)"

# Children's movements or networks

#### Children's Movements or Networks

Children's movements or networks provide a space for children in local clubs or other groups to come together in an organized way at the national, regional or international level. Often child-led, these movements can bring the voices of the community directly to the decision-makers.

#### Sierra Leone Children's Forum Network

Sierra Leone's Children's Forum Network was created in 2000. It is a child to child advocacy organization committed to creating linkages and spreading knowledge on the rights, responsibilities and welfare of children in Sierra Leone. The network works through schools and local children's clubs advocating and raising awareness about their rights. They have been very active on the national and international field, contributing to a few national consultations on peace and reconstruction. They were also very active on the international level, participating in consultations with the UK Parliament's International Development Committee.

## African Movement of Working Children and Youth

The African Movement of Working Children and Youth is an entirely child-led, grass-roots movement bringing together many local associations of children and youth who have organized themselves locally to strengthen their solidarity. Set up in 1994, it now consists of 126 member associations present in 21 African countries, representing approximately 1020 grass-roots groups or 148 000 members and supporters who are housemaids, apprentices, small vendors or self-employed children and youth workers on the streets or in markets. The movement has agreed "12 rights" as critical to the struggle against exploitation and the worst forms of child labour. They have been succsessful in promoting them at the local, national and international level. <sup>10</sup>





## Web-based tools for civic engagement

A space for individual children's engagement in decision-making at all levels, web-based tools offer a way to reach the broadest number of children through a medium with which children in Europe are very familiar. What works well with online child participation? Innovative ideas for interactive and child-friendly structures which allow many children, not just the most eager and articulate, to participate in decision-making processes without having to be physically present. Web-based tools can provide children with greater access to information on EU policies and decision-making processes, as well as creating a space for consultation and engagement. While the web is a very relevant tool for children, strategies are needed to ensure the views of those without access to the web, often already the most vulnerable or marginalized, are also taken into account. The specific issues of child protection in cyberspace also need to be clearly addressed.

#### The Finnish Children's Parliament

The Finnish Children's Parliament was created in 2007 and works mainly via an on-line "virtual parliament building". The children participating in the Finnish Children's Parliament are elected by their municipality. The Board and the Committees of the Children's Parliament meet weekly in on-line chat rooms as well as discuss the themes which should be highlighted and put on the agenda for the next plenary session. The themes are then presented at the plenary session where the Children's Parliament takes a decision regarding it. The children have various online tools at their disposal including discussion groups and chat rooms. The website enables

a representative of the Children's Parliament or any Finnish child to present the Children's Parliament with an idea or an initiative through the 'initiative channel' service. In six months, more than 150 new initiatives were submitted. <sup>11</sup>

"The Finnish Children's Parliament can take initiatives all the way to the European Parliament, with the help of Finnish MEPs."

- Tapio, 13. 12

#### 11 MILLION\*

"11 MILLION" is led by the Children's Commissioner of England, whose role it is to ensure children's views and opinions are heard by policy-makers. The name 11 MILLION refers to the number of children in England and represents the UK government's commitment to the right of all children to be heard. This mainly web-based tool enables children to share their opinions on matters that affect them. The web-site is child-friendly and a wide range of issues are open for children's comments and point of views. Subjects range from 'coping with sadness and loss', 'equality and you', 'new country, new beginnings' to 'gun and knife crime'. The views are collected by the 11 MILLION-team, and the Children's Commissioner of England bases his work programme on the results of this consultation tool to ensure that children's voices are heard at the highest level of government.

\*11 MILLION is in the process of changing its name to www.childrenscommissioner.gov.uk

<sup>1</sup> S Livingstone, M Bober, EJ Helsper (2005) Information, Communication & Society, "Active participation or just more information? Young people's take up of opportunities to act and interact on the internet

<sup>&</sup>lt;sup>12</sup> The Finnish Children's Parliament, Report of children's participation activity 2008-2009



### Children's ombudsmen

A long-standing mechanism for engaging children in decision-making at the national level, Children's Ombudsmen are independent offices which work to promote the implementation of the UNCRC. In addition to promoting awareness of children's rights and influencing legislation and government policy, these offices provide formal complaints mechanism specifically for children to ensure the accountability of governments toward them as citizens. The European Network of Ombudsmen for Children (ENOC) will be an important partner for the European Union in engaging in meaningful child participation.

#### Norway Children's Ombudsman

"The Ombudsman office takes on the role of a politician on behalf of the children and the role of an activist when a special case needs attention from the authorities and the media." <sup>13</sup> Norway was the first country to create an Ombudsman for Children in 1981. Since then, the ombudsman has continuously advocated for improved national and international child rights legislation. It is the Ombudsman's responsibility to promote children's interests to public and private authorities and to follow-up the development of the conditions in which children evolve. An evaluation of the Norwegian Ombudsman for children found that the institution 'helped throw the political spotlight on children and their

situation, thereby putting children on the political agenda' and that Norwegian children themselves had become well acquainted with the office and its functions.<sup>14</sup> It had further played a large role in gaining popular and political acceptance of the rights of children and their right to participate in national politics, leading to greater protection and recognition in law.

## Council of Europe Commissioner for Human Rights

The Commissioner for Human Rights of the Council of Europe (CoE), whose mandate includes child rights, is similar to the Ombudsman in that it is an independent office responsible for promoting the implementation of the European Convention on Human Rights and the European Social Charter.

The Commissioner is a vocal spokesman on behalf of child rights. The CoE is currently developing a strategy for including child participation in their decision-making processes as part of their "Building a Europe for and with Children" programme. The EU will be able to learn from and build on their experience.

<sup>13</sup> http://www.barneombudet.no/english/about\_the\_/



### Child media

Children express their views and opinions in a variety of creative ways. Plan's child media programmes in Europe and around the world provide children with a powerful platform to express themselves. Plan supports children to take concrete steps to improve their lives and those of other children by providing training and support, but letting the children lead the process in defining their messages and creating their stories. The child media programmes aim to raise awareness, share information, change attitudes and behaviour, improve the image of children in the community, and make their voices heard in decision-making. Using video, radio, print, and new media, children are using popular and powerful media to get their message across, and they are having an impact.

One film, produced by children on the Jogini village temple prostitutes prompted the government to review their laws. Another young filmmaker, 15 year-old Saroj describes the impact of the film "Addicted Innocence":

"After showing our film on the growing trend of children addicted to chewing tobacco at a children's film festival, a group of children sent a petition to their local government pressuring them to do something about this hazardous trend. As a result, street sellers have been banned from selling chewing tobacco within 100 meters of the schools." <sup>15</sup>





#### Conclusion

The right of the child to express their views and opinions is enshrined in international human rights law. The benefits of including children's voices in decision-making processes are proven: it leads to more effective policies, more active citizens, and more confident young people.

The EU has repeatedly underlined the importance of connecting better with European citizens. They have committed to making children's participation in EU decision-making a priority in the 2006 Communication "Towards a Strategy on the Rights of the Child". This was reaffirmed by Commissioner Reding in her confirmation hearing, where she also called on MEPs to join her in ensuring the voices of children were heard in the EU. The 2009 European Commission's call for proposals on child participation received the highest number of application (867) of any budget line, despite having only a fraction of the amount of funding available, demonstrating that there is also enormous demand for further financial support for child participation processes.

The standards and guidelines for meaningful participation exist. There are many excellent existing mechanisms for engaging with children immediately, which also provide models for developing new mechanisms where they are lacking. Child rights organizations, including Plan, are ready to provide our expertise to ensure child participation is meaningful. This includes children from outside Europe who would also like to have a say in external policies of the EU which affect them. Now is the moment for the European Union to demonstrate its leadership and fulfill its obligation to ensure the views and opinions of children are included in EU decision-making.

## RECOMMENDATIONS TO THE EUROPEAN UNION

The European Union must include meaningful children's participation in EU decision-making. It should consider the wide range of opportunities including consultation, but also including children in research, monitoring and evaluation, policy planning, budgeting, advisory boards, and raising awareness of the UNCRC. Adequate child protection must be included in any child participation process.

The following concrete actions should be taken immediately:

- The establishment of a mechanism for meaningful child participation in EU decision-making should be the cornerstone of the upcoming EU Strategy on the Rights of the Child.
- The European Commission and the European Parliament should engage with and support existing structures for child participation, and provide resources for the creation of child participation structures where they do not exist.
- The European Parliament and European Commission should nominate official focal points for child participation and produce child friendly documents on policies and actions that impact on children.
- 4. The European Parliament and the European Commission should create a virtual European Children's Parliament. This virtual Parliament would be an opportunity to link-up existing child participation structures, where a wide and diverse range of children meet to get information, discuss, and develop opinions on EU policy that affects them; and would be a network for the EU to hear the views and opinions of children on specific issues.



Ma copine est morte de tétanos. Elle n'avais pas de protection. Je souhaite que tous les enfants du monde peuvent faire le vaccin. Mamekoumba, 12 - Senegal Somos pequeños pero existimos ¡somos el futuro de ustedes! Christina, 18 - Spain Les politiciens doivent envoyer des gens pour construire plusiers écoles pour les enfants dans chaque village. Joelle, 8 - Belgium

Freedom of expression should be the fundamental right. Romisa, 13 - Pakistan Man sollte Kinder auch wählen lassen, das ist doch Bürgerrecht! Silvana, 9 - Germany I want children to have the opportunity to go to a school until University, and I want early marriage forbidden. Ngatini, 15, Indonesia

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EN RÖST. MERI BHI AWAJ HAI. AN KOD DUOL. 我有发言权. TENGO VOZ. TINA SAUTI. I GEH MA VOCE. NDILI JISI JWI. NILI NA MAU. MERI BHI AVER BHI AVER
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