

## FACT SHEET: The right to participation

Several provisions in the Convention on the Rights of the Child reflect children's right to participation. Participation is one of the guiding principles of the Convention, as well as one of its basic challenges. Article 12 of the Convention on the Rights of the Child states that children have the right to participate in decision-making processes that may be relevant in their lives and to influence decisions taken in their regard—within the family, the school or the community. The principle affirms that children are full-fledged persons who have the right to express their views in all matters affecting them and requires that those views be heard and given due weight in accordance with the child's age and maturity. It recognizes the potential of children to enrich decision-making processes, to share perspectives and to participate as citizens and actors of change. The practical meaning of children's right to participation must be considered in each and every matter concerning children.

As a fundamental right of the child, the right to participation stands on its own; it requires a clear commitment and effective actions to become a living reality and therefore is much more than a simple strategy. It was for this reason that the Committee on the Rights of the Child identified the right to participation as one of the guiding principles of the Convention. Participation is an underlying value that needs to guide the way each individual right is ensured and respected; a criterion to assess progress in the implementation process of children's rights; and an additional dimension to the universally recognized freedom of expression, implying the right of the child to be heard and to have his or her views or opinions taken into account.

Respecting children's views means that such views should not be ignored; it does not mean that children's opinions should be automatically endorsed. Expressing an opinion is not the same as taking a decision, but it implies the ability to influence decisions. A process of dialogue and exchange needs to be encouraged in which children assume increasing responsibilities and become active, tolerant and democratic. In such a process, adults must provide direction and guidance to children while considering their views in a manner consistent with the child's age and maturity. Through this process, the child will gain an understanding of why particular options are followed, or why decisions are taken that might differ from the one he or she favoured.

### Free from pressure and manipulation

The child's participation is a right and children therefore are free to express their views or, if they prefer, to not do so. Children should not be pressured, constrained or influenced in ways that might prevent them from freely expressing their opinions or leave them feeling manipulated. This principle clearly applies in some judicial proceedings, in which a child is forced to participate as a witness even if the legal outcome may contravene the child's best interests.

In many countries, children are expected to join judicial proceedings as witnesses yet are rarely entitled to directly launch complaints as victims—even in cases where the child has been ill-treated or sexually abused. Such laws often foresee the possibility of parents or caregivers launching the complaint on behalf of the child—which of course does not address situations in which a child is a victim within his or her own family.

### Children's evolving capacity

The Convention sets no minimum age at which children can begin expressing their views freely, nor does it limit the contexts in which children can express their views. The Convention acknowledges that children can and do form views from a very early age and refers to children's 'evolving capacity' for decision-making. This means, for example, that parents and, where appropriate, members of the family and wider community are expected to give appropriate direction, guidance or advice to children. But parents' guidance and advice takes on greater value and meaning as children grow and develop, gain maturity and experience, become more autonomous and more responsible.

In a manner consistent with the child's age and maturity, there will be various ways of creating the right atmosphere to enable the child to freely express his or her views. Within age groups, the ability,

confidence and experience of the individual child in assessing his or her own situation, considering possible options, expressing views and influencing decision-making processes will all have a bearing on how such an atmosphere can be achieved.

Among children, it is important that the older and more advantaged foster the participation of the younger and most disadvantaged, including girls, the poorest, children belonging to minority and indigenous groups and migrant children.

## The role of parents and others

The child's evolving capacity represents just one side of the equation: the other involves adults' evolving capacity and willingness to listen to and learn from their children, to understand and consider the child's point of view, to be willing to re-examine their own opinions and attitudes and to envisage solutions that address children's views. For adults, as well as for children, participation is a challenging learning process and cannot be reduced to a simple formality. Fulfilling the right of children to participate entails training and mobilizing adults who live and work with children, so that they are prepared to give children the chance to freely and increasingly participate in society and gain democratic skills. Parents and other family members are most obviously included in this group, as well as teachers, social workers, lawyers, psychologists, the police and other members of the society at large.

## Ensuring appropriate information

As mentioned earlier, children's right to participation as outlined in article 12 is closely linked to freedom of expression. It is also related to fulfilling the right to information, a key prerequisite for children's participation to be relevant and meaningful. It is in fact essential that children be provided with the necessary information about options that exist and the consequences of such options so that they can make informed and free decisions. Providing information enables children to gain skills, confidence and maturity in expressing views and influencing decisions.

Article 15 states that children have the right to create and join associations and to assemble peacefully. Both imply opportunities to express political opinions, engage in political processes and participate in decision-making. Both are critical to the development of a democratic society and to the participation of children in the realization of their rights.

## Participation is the path to other rights

The right to participation is relevant to the exercise of all other rights, within the family, the school and the larger community context.

Thus, for example:

- **Adoption.** As one of "the persons concerned," the child should be heard in any judicial or administrative adoption proceedings. Article 21(a) refers to the informed consent of persons concerned, including the child.
- **Separation from parents.** In decisions to be taken on the need to separate a child from his or her parents (for example, on the basis of abuse or neglect), the child—as an "interested party"—must be given an opportunity to participate and make his or her views known.
- **Name change.** In a decision to be taken on the changing of a child's name, the views of the child should be taken into consideration.
- **Right to health.** Children are entitled to be informed, have access to information and be supported in the use of basic knowledge of child health and nutrition (article 24(2)e) so that they may enjoy their right to health.
- **Education.** Children's participation takes on a special dimension in the area of education. Education should give children the opportunity to develop their talents and abilities to full

potential, to gain confidence and self-esteem, to use their initiative and creativity, to gain life skills and take informed decisions and to understand and experience pluralism, tolerance and democratic coexistence. In brief, the right to education means the right to experience citizenship. To achieve citizenship and all it entails, children must be perceived not as mere recipients of knowledge, but rather as active players in the learning process. It is for this reason that the Convention puts so much emphasis on the aims of education (article 28) and on an educational system that respects the child's human dignity.

## Genuine participation versus tokenism

Participation cannot be genuine if children have no opportunity to understand the consequences and the impact of their opinions—such non-genuine 'participation' often merely disguises what is actually the manipulation of children, or tokenism. Again, the key to genuine participation is ensuring respect for children's views. In addition to facilitating and supporting activities to foster child participation, it is becoming increasingly important to consider whether and how to ensure follow-up of children's recommendations and concerns.

Children's referendums and the 'What do you think?' project are but a few examples of a worldwide movement to increase the spaces and opportunities for child participation. In all such activities, strong monitoring and evaluation components must be present and initiatives tested against the principles of the Convention. Is the activity in the best interests of the child? Is any form of discrimination present? Do the most disadvantaged and marginalized children have opportunities to participate and are their voices heard? Are children genuinely participating? Can children make a difference in decision-making processes?