

CHILD PARTICIPATION: OF MYTHS AND LEGENDS



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THE CRC PROVIDES A POWERFUL FRAME FOR UNDERSTANDING CHILD PARTICIPATION

“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.”

**Article 12(1) of the UN Convention on
the Rights of the Child**



A DISCONNECT BETWEEN LAW, CHILDREN'S EXPERIENCES AND ADULTS' UNDERSTANDING

*The legal
text of
Article 12*



*A boy not getting a say in a
Conversation.*

Adult
discourse on
the 'voice of
the child'



THE VOICE OF THE CHILD



WHAT DOES ARTICLE 12 REQUIRE?

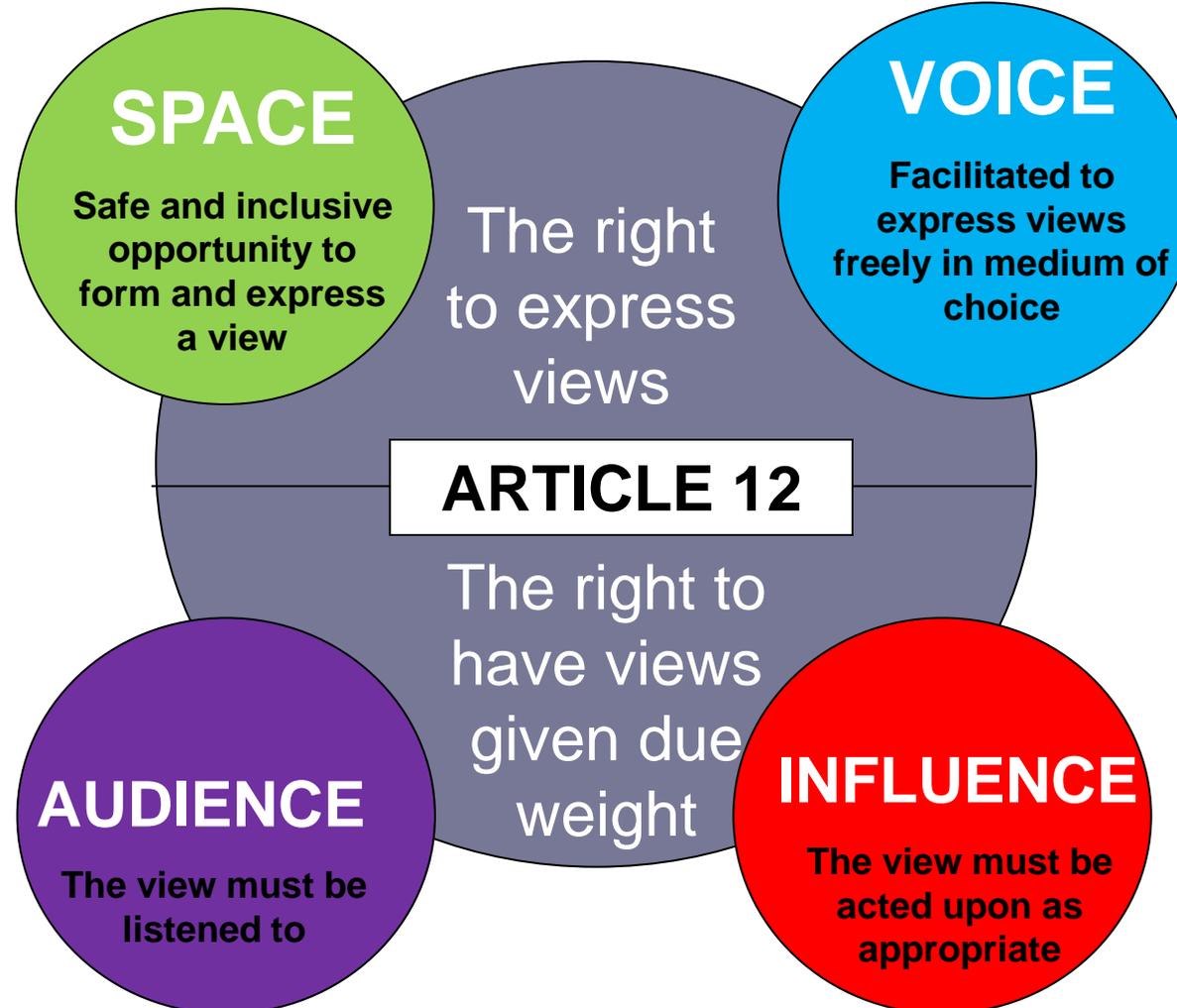
- The Voice of the Child?
- The Right to be Heard?
- The Right to Have a Say?

“Each of these abbreviations is an imperfect summary and can potentially undermine its implementation”



VOICE IS NOT ENOUGH...

LUNDY (2007)



SPACE

“ASSURE TO THE CHILD”

- Needs to be actively created – the obligation is on government to “assure” the right to the child....
- Needs to be a “safe” space (Art. 19)
- Needs to be inclusive (Art. 2)



VOICE

“THE RIGHT TO EXPRESS A VIEW FREELY”

- A right not a duty.
- Afforded to all children “capable of forming a view.” N.B: this is not restricted by “age and maturity.”
- Children may need to be helped to both form and express their views (Articles 5 and 13).



AUDIENCE

“THE VIEWS OF THE CHILD BEING GIVEN DUE WEIGHT”

- More than just the “right to be heard.”
- Need to be actively listened to.
- May necessitate the establishment of formal channels of communication - a right of audience.



INFLUENCE

“DUE WEIGHT IN ACCORDANCE WITH THE AGE AND MATURITY OF THE CHILD”

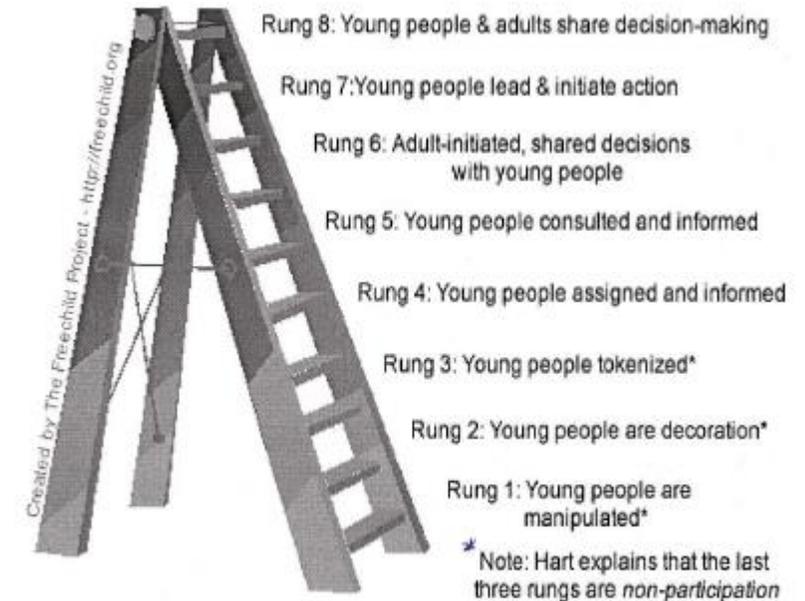
- A restrictive interpretation of this can shut down the application of Article 12.
- *“It should not be interpreted as an endorsement of authoritarian practices that restrict children’s autonomy and self-expression and which have traditionally been justified by appealing to children’s relative incompetence and their need for socialisation”*
Committee on the Rights of the Child, 2005.
- Children should be given feedback about the extent of influence they have had.
- Ensure that there is a formal “response”: creates the conditions where it is uncomfortable for adults to solicit children’s views and then ignore them.



ITS APPEAL

- “Legally sound and user-friendly”
- Intended to capture **the qualities of rights-based participation** rather than different forms or levels of participation
- Concepts are fluid and flexible: can apply to any form of participation for all children in any arena of decision-making.
- Children grasp the concepts readily.

Roger Hart's Ladder of Young People's Participation



Adapted from Hart, R. (1992). *Children's Participation from Tokenism to Citizenship*. Florence: UNICEF Innocenti Research Centre.



IRELAND'S NATIONAL CHILDREN'S PARTICIPATION STRATEGY: A CHECKLIST



SOME MYTHS

MYTHS THAT ARE BELIEVED IN TEND
TO BECOME TRUE

GEORGE ORWELL



ART. 12 ABANDONS CHILDREN TO THEIR RIGHTS (AND UNDERMINES ADULT AUTHORITY)

- Michael Freeman (1992): “The question we should ask ourselves is: what sort of action or conduct would, we wish, as children to be shielded against on the assumption that we would want to mature to a rationally autonomous adulthood and be capable of deciding on our own system of ends as free and rationale human beings.”?
- The child should not be allowed to opt out of something 'undermine life choices or impair life interests in an irreparable way.' (Freeman, 1996).



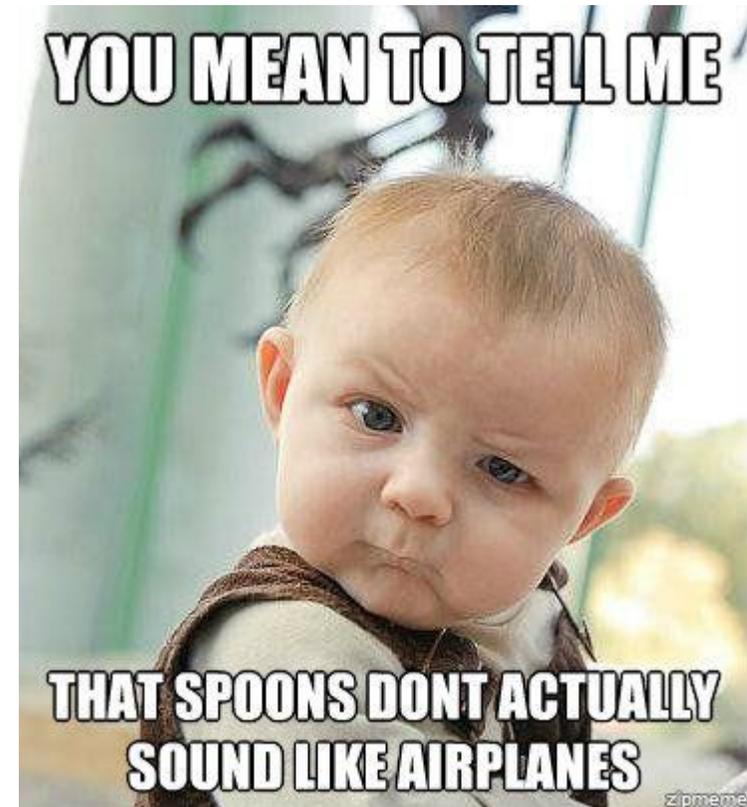
ADULTS KNOW BEST

- "Pretty much all the honest truth telling there is in the world is done by children."
— Oliver Wendell Holmes



IT DOESN'T APPLY WHERE CHILDREN ARE YOUNG AND LACK MATURITY

- The right to express a view is not dependent on the child's age or maturity.
- Sometimes "listening" will involve "looking".
- The Committee on the Rights of the Child has observed that younger children, for example: 'make choices and communicate their feelings, ideas and wishes in numerous ways, long before they are able to communicate through the conventions of spoken or written language' (2005, para. 11).



IT WOULD BE TOKENISTIC...

“not an option which is in the gift of adults/policy makers but a legal obligation which is the right of the child” Lundy, 2007

The competent have responsibilities and rights; the incompetent have disabilities and, perhaps, protections. The competent can advance claims based on principles of autonomy; the incompetent are subject to restraints that enforce relationships of dependence Minow, 1990)



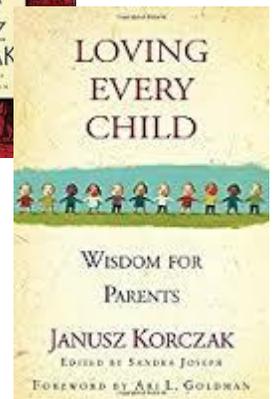
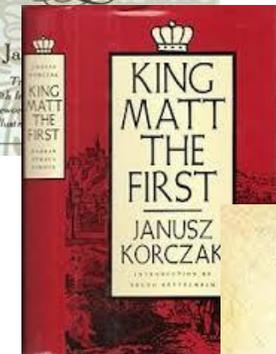
AND LEGENDS ...



JANUS KORSCAK (1878 - 1942)

The child is not foolish
There are no more fools among
children than adults

The child's thinking is neither more
limited nor inferior to that of an adult.
It is different.
The child thinks with feelings and not
with the intellect.
That is why communication is so
complicated.
And speaking with children is a
difficult art.



- The child must be seen as a foreigner,
Who does not speak our language
And who is ignorant of the laws and customs.
Occasionally she likes to go sightseeing on her own
And when lost will ask for information and advice.
Wanted – a guide to answer questions politely and
patiently.
Treat her ignorance with respect.

- The child is honest.
When he does not answer, he answers.
For he doesn't want to lie and he cannot say the truth.
To my surprise, I have stumbled on a new thought....
Silence is sometimes the highest expression of
honesty.



- ***Without rights the excluded can make requests, they can beg or implore, they can be troublesome; they can rely on what has been called noblesse oblige, or on others being charitable, generous, kind, cooperative or even intelligently fore-sighted. But they cannot demand for there is no entitlement*** (Michael Freeman, 2007).

