

The Rights of Children and Youth to Participate

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The UN Convention on the Rights of the Child and a new vision of children and youth

In 1989 the United Nations adopted the Convention on the Rights of the Child (CRC), a set of universal standards for the protection and development of children that has been ratified by all member nations of the UN except the USA. This document has extraordinary implications for how children and youth should be perceived and treated. Because many countries have extended childhood by keeping children in school, the *child* in the CRC refers to "every human being under the age of 18 years unless, under the law applicable to the child, majority is attained earlier." For this reason, the term "child" is used in this essay to cover this age range. In many countries the CRC has stimulated the growth of a new vision of childhood. In addition to articles of the CRC that guarantee children's rights to survival, proper development, and protection from abuse and exploitation, the CRC takes the remarkable step of stressing that children should be thought of as active citizens with the kinds of civil rights that most people had previously not associated with children, including the right to be heard on all matters that concern them, according to their capacity. The so-called "participation articles" are designed in part to further guarantee children's protection as individuals with rights rather than possessions by stating that children should know about their rights and be able to voice them but they are also visionary articles which recognize children as developing citizens. They are a challenge to every nation.

The CRC is meant to serve as a standard for the establishment of national legal and moral codes concerning children. The extent to which they successfully do that is reviewed regularly by the UN committee on the Rights of the Child. It will take a long time before we see broad changes in attitudes toward children's participation in civic life in most countries but the CRC is a very well written document that can serve as a most valuable instrument of persuasion for those persons wishing to promote the idea of children and youth as independent, thinking subjects capable and deserving of a greater degree of participation. Even in the USA, where it has not been ratified, it can be used in support of youth activism because it has universal recognition and is increasingly treated by nations as a set of universal norms, even without the USA's recognition.

Those sections of the CRC that are most relevant to the issue of child and youth participation are reproduced in Box X.

BOX X: CHILDREN'S PARTICIPATION AS RECOGNISED IN THE UN CONVENTION ON THE RIGHTS OF THE CHILD

N.B.: Subtitles are those of the author.

The first four articles listed below focus most exclusively on the right to participate. An additional four are added because they are also explicit in their recognition of the importance of maximizing children's involvement according to their capacities: The headings are by the author:

Freedom of Expression

Article 12

- 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 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.*

Article 13

- 1) *The child shall have the right to freedom of expression; this right shall include freedom to seek, receive and impart information ideas of all kinds, regardless of frontiers, either orally, in writing or in print, in the form of art, or through and other media of the child's choice.*
- 2) *The exercise of this right may be subject to certain restriction, but these shall only be such as are provided by law and are necessary:*
 - a) *For respect of the rights and reputations of others; or*
 - b) *For the protection of national security or of public order (ordre public), or of public health and morals.*

Freedom of Thought, Conscience and Religion

Article 14

- 1) *States Parties shall respect the right of the child to freedom of thought, conscience and religion.*
- 2) *States Parties shall respect the rights and duties of the parents and, when applicable, legal guardians, to provide direction to the child in the exercise of his or her right in a manner consistent with the evolving capacities of the child.*
- 3) *Freedom to manifest one's religion or beliefs may be subject only to such implications as are prescribed by law and are necessary to protect public safety, order, health or morals, or the fundamental right and freedoms of others.*

Freedom of Assembly

Article 15

- 1) *States Parties recognize the rights of the child to freedom of association and freedom of peaceful assembly*
- 2) *No restrictions may be placed on the exercise of these rights other than those imposed in conformity with the law and which are necessary in a democratic society in the interests of national security or public safety, public order (ordre public), the protection of public health or morals or the protection of the rights and freedoms of others.*

Access to Information

Article 17

- States Parties recognize the important function performed by the mass media and shall ensure that the child has access to information and material from a diversity of national and international sources, especially those aimed at the promotion of his or her social, spiritual and moral well-being and physical and mental health. To this end, States Parties shall:*
- a) *Encourage the mass media to disseminate information and material of social and cultural benefit to the child and in accordance with the spirit of article 29;*
 - b) *Encourage international cooperation in the production, exchange and dissemination of such information and material from a diversity of cultural, national and international sources;*
 - c) *Encourage the production and dissemination of children's books;*
 - d) *Encourage the mass media to have particular regard to the linguistic needs of the child who belongs to a minority group or who is indigenous;*
 - e) *Encourage the development of appropriate guidelines for the protection of the child from information and material injurious to his or her well-being, bearing in mind the provisions of articles 17 and 18.*

Special Support for Disabled Children

Article 23

1) States Parties recognize that a mentally or physically disabled child should enjoy a full and decent life in conditions which ensure dignity, promote self-reliance and facilitate the child's active participation in the community.

Education for Personal Fulfillment and Responsible Citizenship

Article 29

1) States Parties agree that the education of the child shall be directed to:

- a) The development of the child's personality, talents and mental and physical abilities to their fullest potential;
- b) The development of respect for human rights and fundamental freedoms, and for the principles enshrined in the Charter of the United Nations;
- c) The development of respect for the child's parents, his or her own cultural identity, language and values, for the national values of the country in which the child is living, the country from which he or she may originate, and for civilizations different from his or her own;
- d) The preparation of the child for responsible life in a free society, in the spirit of understanding, peace, tolerance, equality of sex and friendship among all peoples, ethnic, national and religious groups and persons of indigenous origin;
- e) The development of respect for the natural environment.

2) No part of the present article or article 28 shall be construed so as to interfere with the liberty of individuals and bodies to establish and direct educational institutions, subject always to the observance of the principles set forth in paragraph 1 of the present article and to the requirements that the education given in such institutions shall conform to such minimum standards as may be laid down by the State.

Play and Participation in Cultural and Artistic Life

Article 31

1) States Parties recognize the right of the child to rest and leisure, to engage in play and recreational activities appropriate to the age of the child and to participate freely in cultural life and the arts.

2) States Parties shall respect and promote the right of the child to participate fully in cultural and artistic life and shall encourage the provision of appropriate and equal opportunities for cultural, artistic, recreational and leisure activity.

Why young people need to be allowed to participate

There are at least three ways that the CRC specifically emphasizes children's right to participate: for children to be enabled to protect themselves, for their needs to be met and, more generally, because participation is fundamental to their development. Most crucially, it is believed that giving children more of a voice in their own self-determination will improve the protective aspects of the CRC. It is probably this theme more than any other that has convinced the UN Committee on the Rights of the Child since they began reviewing the compliance of nations to the CRC that the participation articles are critical to its success in any country – more like a primary principle that runs through the CRC than just a set of articles. Equally important is the right for children to know about their rights. The most documented to this date have concerned street children and working children, commercially sexually exploited children and children denied the care of their family in abusive kinship or institutional care but the process is gradually expanding to other, more hidden, domains like domestic child abuse. The second reason the CRC gives for involving children in decisions is for their needs to be better met. The simple point here is that if children's services and programs are to be appropriate to them, then to the maximal degree possible children should have a voice in expressing their needs. Finally, the CRC builds from the well established theories of child development which state that children develop to their fullest and as much as possible flexible individuals when they're participating maximally in their own development and learning.

While the CRC calls for children to be allowed to participate in the cultural life of their communities; it does not specify community development. But this is a natural extension from many of the other articles, particularly article 12 on the right to participate in decisions that affect the child. Furthermore, genuine participation in the community fosters a sense of local responsibility and the development of citizenship. Many international non-government organizations (NGOs) working for children, most notably the largest one, the International Save Children Alliance, now emphasizes citizenship in children and see participation as an integral aspect of that. But in spite of the clear implications of the CRC for children's participation in so many aspects of their everyday lives, there's still a great emphasis of many NGO's and international development agencies concern with children to emphasize children's formal participation in the political arena. Regrettably, this is almost always in single, high profile events like conferences and fora. This seems to be a misguided emphasis for a variety of reasons. First of all, to pull select children together for occasional meetings where they have a voice about political affairs, without knowing anything about their everyday participation seems delusional at best and may even be deceptive. More specifically, if we do not have everyday structures for children's participation, it's difficult to know how any government agency could responsibly invite children's participation in a way that would be representative of all children. It's true that such non-representative structures are common in the adult world, but if we're talking about children's participation as part of a new and improved vision of democracy then surely we need to do it in a way which is more authentic. There is a need for fewer trite examples of children speaking or singing about how they are the future or how they alone best understand global environmental problems, and more models that genuinely recognize the untapped competencies of children to play a significant role in community-based sustainable development, particularly when collaborating with adults.

There is by no means a common understanding of citizenship in the increasing international discourse of children as citizens. Some international children's agencies argue that the participatory language of the CRC relates to new theories of citizenship and to more direct or participatory democracy. Some critics however feel that that this is an extension of the naiveté of liberal democratic theory: that children are individual citizens with a voice but not recognizing the enormous material differences in the abilities of families to lay the foundations for their children to compete equally in an ever-more aggressive global market-place. A more extreme position is posed by those who see children as an underprivileged class, in opposition to adult culture. Some of the clearest statements of children as an under-class that needs to be empowered have come from some members of the movement for street and working children in Latin America. The term "*protaganismo*" is used by this movement to refer to the idea that children must be the protagonists of their own rights and to see themselves as conscious agents of social change. The movement is concerned with achieving a redefinition of power in society, based in a direct questioning of the nature of adult power. This new social movement emerged because of the conclusion of many children's rights promoters that "protectionism" still dominates the conception of work with children throughout the world, and that is still ineffective in helping the masses of children who work at a very young age or are abused, neglected, or even involved in warfare. The best protection and guarantee for the development of childhood they believe is self-protection.

The NGOs who work with street and working children in many countries have helped children read and interpret the CRC as a way of empowering them in the struggle to improve their lives. These street workers, "promoters" as they are often called in Latin America, see themselves as offering a supportive role for the children who must learn to be protagonists. It is ironic that in many countries the principles of the CRC are better known by children who are illiterate and who live primarily on the streets, beyond the influence of their families, than by those who are well off and live within the homes of intact families. Sadly, this is not also true

of the millions of working children who are hidden even from the street workers, trapped inside factories or in domestic slavery inside homes. It is also particularly difficult to promote children's right to education and participation in those very poor families who rely on the income of their children's labor in the short term and who themselves lack basic human rights.

Whichever orientation one has to citizenship in childhood it is clear that there has been a great change in the way many organizations see children's political agency in dozens of countries. As the movement for children's rights as citizens expands it is increasingly being recognized that there is a need to evaluate the impact of the participatory experiences. Is the international promotion of children's participation leading children to think more about issues of the public good, about the rights of all to have a voice regardless of age or special characteristics? Already some agencies are trying to measure the impact of participatory programs on local social capital where civic community is something that is made up of more horizontal relationships. There are already some exciting signs in many countries that new forms of highly inclusive children's organizations, based on the principles of children's rights, are emerging that move us forward from the models of youth participation in the twentieth century with their emphasis on the training of "leadership". These new organizations bring the values of human rights and the skills of building more horizontal relationships and patterns of power.

Children on the Cultural Front Line:

Giving children a voice to speak out about their rights without regard to its cultural appropriateness might be thought of as just another example of the inappropriate universalising of the norms of the dominant cultures ("The North" or "Minority world"). The question of with whom and how a child may speak with in any culture goes to the core of that culture's ideas of child rearing. Yet most observers of children's lives across cultures would argue that the CRC has already been a valuable instrument for improving the lives of many children, particularly those who are abused and neglected. Many would also argue that having children know their rights and being able to speak out about them has often been crucial to their protection. There is a need for an ongoing critical debate on this topic in all nations in order to successfully navigate through the difficult territory that lies between the danger of universalising norms of acceptable behaviour for children and the danger of a cultural relativity that holds the naive belief that children in some cultures may never need to know that they have rights. Many authors have struggled with the question of how to achieve some international norms for children without imposing them through a universalisation of the norms yet without completely eroding them through arguments of cultural relativity. One route is to achieve normative consensus through a principle of "procedural universality". This involves the establishment of procedures and processes within each culture to ensure a diversity of perspectives before establishing new procedures, such as children speaking out in public and opportunities for contestation, revision and change of such new procedures. For the possibility of transformation to occur within the culture this must involve the establishment of the conditions that will enable alternative interpretations of cultural norms to emerge and to compete with the dominant ones. This kind of dialog happened at a national level for example in Brazil in the early days after the adoption of the CRC. In helping to establish his kind of dialog, whether at the national or local level, a strategy is needed which is cognizant of the power relationships in how it involves children in demonstrations of their capacities to be engaged in dialog. The street children who spoke out in Brasilia at a crucial time in the establishment of the democratic constitution of the nation had long been involved in relatively democratic local groups and also had the advice and support of trained street workers.

The CRC goes some way to resolving the dilemmas of changing views of childhood and children's agency by stressing the role of the family in the child's exercise of their rights. How, and at what age, children are socialized by their families and communities to participate fully in society varies enormously according to the culture and is not something that can be universally mandated. It is therefore fitting that the role of the family is stressed in the preamble to the CRC:

States parties shall respect the responsibilities, rights, and duties of parents or, where applicable, the members of the extended family or community as provided for by local custom, legal guardians or other persons legally responsible for the child, to provide, in a manner consistent with the evolving capabilities of the child, appropriate direction and guidance in the exercise by the child of the rights recognized in the present Convention.

But many would argue that on the question of protection of children this is too strong a statement for in many cases children need to be protected from their families. This issue is now being fought out through the establishment of new legal statutes in many countries. This essay however focuses on the civic participation of children and youth, not their defense and participation in legal proceedings. Nevertheless, it is more generally true that if children are to be encouraged to participate, we need to also work also with their parents who themselves may not have had opportunities to participate in society and may not know of their own human rights. The view of children as citizens with rights, including the right to an independent voice, is a great challenge for most cultures. To hear of children's rights for the first time from children's own mouths sometimes leads to violence against them. It can also be argued that the strategy of primarily promoting children's rights awareness through children themselves is not sufficiently respectful of parents and is undermining of families.

There is a great need for more research on the complex changing landscape of cultural views regarding child and child rearing in an attempt to improve the dialog on children's participation and the promotion of children's rights in different cultures. This involves addressing a number of important theoretical issues in the contemporary debates about childhood, including the concept of 'rights' and the emphasis on the 'individual'. Unfortunately, most theory on children's development has been generated in the industrialised countries of the "minority world", particularly the USA. These theories have often become universal standards that are applied internationally to institutional settings such as schools, child care, youth programs and parenting classes. They can be undermining of parents and become threats to cultural continuity and local self-determination. The same has been happening with the promotion of children's participation. The models of child development that have been constructed in the field of developmental psychology and that are reproduced in the CRC, stress individual autonomy and independence versus the collective acculturation of children that is strong in many cultures but about which much less is written.

A common cry of resistance by parents to the CRC is that children need to be protected so that they can have childhood. Precisely how to balance children's needs for physical and psychological protection with their participatory rights remains a complex issue that many nations have begun to face since they ratified the CRC. If this process is done in an informed and sensitive way, children's participation in each culture will look different. It remains to be seen how successful those who work with children can be in promoting the conception of children's rights within families, both rich and poor. Families are often highly authoritarian structures. Many parents fear that "children's rights" implies a loss of control over children, who, they think,

already have too much freedom. In fact, this is probably the primary reason why politicians in the USA have brought the CRC into Congress for ratification. This is a misreading of the CRC, for it does not call for a collapse in discipline or in the teaching of responsibility to others. Neither does it seek to remove the rights of parents, but it calls for a transparency of action and an openness to listen and to communicate with children according to their maximum capacity. The debate about children's rights can be expected to rage for many years because it involves a fundamental change in any culture and how that culture reproduces itself. As the debate rages, inevitably arguments become simplified and polarized. Confusion commonly seems to revolve around the meaning of authority. The granting of children's rights should not undermine the legitimate authority of parents and other child caregivers; the purpose is to challenge arbitrary authority. This relates to a substantial body of theory on parenting style in the field of child development. According to progressive writers on the subject adults must be able to justify their exercise of authority to their children as soon as children are capable of understanding. But this is a Western perspective on child rearing, and a recent one at that, which still is not shared by a large proportion of parents. There are enormous differences in cultural understandings around the world in what is an acceptable kind of authority to exercise with children, and specifically with girls and boys and these will not change quickly. It surely cannot be questioned, however that in all cultures there is a need for serious reflection on this issue and in spite of some cultural bias, the CRC is a superb base document to begin this reflection.

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