**POLICY BRIEF** 

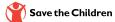


# Children's Right To Be Heard: We're Talking; Are You Listening?















## **Executive Summary**



As countries usher in 2021, children throughout the world continue to grapple with unprecedented hardships resulting from the COVID-19 pandemic that turned the world upside down in 2020.

The global health crisis prompted lockdown efforts that raised the risk of violence, hunger, child labor, child marriage, and school dropouts—particularly among girls. It also curtailed opportunities for children to engage in activities aimed at promoting their right to be heard.

What the virus did not destroy, however, was children's resolve to find and use their voices, to mobilize peers as a force for change, and to raise awareness of the critical importance of learning from children's experiences.

Children have the right to participate in decisions affecting their lives and to expect that decision makers will listen to and consider their views. The UN Convention on the Rights of the Child, adopted in 1989, and other subsequent legal and normative standards have reinforced

and built upon this right.

The 2030 Agenda for Sustainable Development makes clear a commitment by Member States to recognize children as 'agents of change' and to provide an important opportunity to accelerate the realization of this right.

When children have the opportunity to share their opinions, they demonstrate the ability to advance their own protection, end violence against them, foster more inclusive and responsive social structures, and collectively fulfill their

dreams of developing better communities for themselves and new generations. Yet, global societal norms, insufficient resources, and adults' lack of understanding or support often inhibit children's meaningful participation.

"We understand what is right and what is wrong. My message to adults is please allow us to participate."

Farhana, 17-year-old girl, India

"Our rights include the right to education, protection, and the right to speak out on issues affecting us. "

Dora, 16-year-old girl, Zambia

Children who live in the most marginalized situations, including those with disabilities, children without parental care, girls, indigenous and other vulnerable children, including those who do not speak their country's official language, often face extreme barriers that inhibit their participation and create missed opportunities for decision makers.

While digital technologies offer new occasions for children's participation, such as large-scale surveys and online platforms for mobilizing, they also bring

new risks for children, including online bullying and abuse. Further, the "digital divide" between children who have access to electricity and to information communication technology, and those who do not, can precipitate an uneven realization of children's right to be heard. In the context of the COVID-19 pandemic, digital exclusion has massive repercussions in all countries for children's access to space for civic participation, as well as fulfillment of other fundamental rights.

Recent research shows children are eager to have their voices heard and to play a pivotal role in halting the spread of the virus and minimizing its negative impacts. During consultations for this policy brief, children reported it was very important that they maintain strong peer participation groups and connections to other adolescents and children during lockdowns. They also shared that participation during lockdowns helped promote positive mental health and lessen anxiety and loneliness.

Joining Forces recognizes that children's participation in decision-making is more impactful – both for them and for society as a whole – when children are able to participate in an environment that enables their empowerment. During the course of preparing this paper, children from around the world had the opportunity to share their thoughts and experiences orally, in writing, and during an online forum held on Universal Children's Day. With their guidance and counsel, Joining Forces calls on all relevant actors to recognize and support key actions to ensure children's rights are respected and achieved worldwide.

This policy brief uses the term children to refer to the age group under 18 years of age, as defined by the United Nations Convention on the Rights of the Child.

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# Critical Data And Problem Analysis

The Convention on the Rights of the Child (CRC) first established children's fundamental right to be heard in 1989. In the three decades since, subsequent legal and normative standards have reinforced and built upon this right. Since the adoption of the CRC more than 30 years ago, there has been significant progress towards fulfilling children's right to be heard, including:

- Increased awareness among decision makers of the value of children's participation and a growing commitment to children's civic participation, as demonstrated by an expanding number of high-level international spaces enabling children's participation. These include:
  - The World We Want Forum to facilitate children's engagement in the 2030 Agenda for Sustainable Development,
  - The United Nations (UN) Major Group for Children and Youth to facilitate young people's engagement in certain UN processes, and
  - Virtual consultations with government school safety committee representatives enabling children to express COVID-19 risks.<sup>1</sup>
- Creation of strategic platforms such as children's parliaments and child clubs to enable children to participate in international, regional, national and local/rural level decision-making, such as Nepal's Child-friendly Local Governance strategy, which has institutionalized children's participation in planning committees and processes.<sup>2</sup>
- Children's participation in budgetary reviews and government spending and investment in children's rights.



- Growing demands by children to have their voices heard in public debates, as demonstrated by their predominant role in global and national-level campaigns.
  - These include campaigns to end child marriage and other forms of violence against children, particularly girls, in Sierra Leone<sup>3</sup>, campaigns to end gun violence in the United States<sup>4</sup>, and campaigns for action on climate change.
- Increase in birth registration of children under five years of age by about 20% in the past ten years (from 63% to 75%) to children's right to an identity a key enabler of their right to participate.<sup>5</sup>



Children who shared their experiences said they believe their participation has resulted in stronger family dynamics. They said their families listened to them better, offered more support of their ideas and activities, and were more receptive to having a dialogue to reach an agreement.

One in two children in an international survey said adults do not listen to their opinion on issues that matter to them.

Children also said they were able to gain knowledge they wouldn't necessarily learn in school, and they reported that policy makers have started listening to children's views and implementing their ideas.

However, while there has been clear progress and evidence of the personal and community-level benefits of children's participation, myriad barriers continue to prevent full realization of children's right to be heard.

In many instances, adults still see children as too inexperienced or immature to participate and they continue to deny or inhibit children's access to decision-making processes.<sup>6</sup> This is the case for children who work to promote civic rights, as well as those sharing opinions with caregivers, parents, judges, teachers, doctors, police and others.

"Adults don't listen to us, they don't ask us what we feel is best for us, they think about what is best for them."

Diana, 16-year-old girl, Bolivia

Among other arguments leveraged by adults to limit children's meaningful participation are false narratives that children lack competence, knowledge and judgement; that parents know best; and that it can lead to excessive demands, bad behavior, disrespect for elders or harm. According to the Centre for Children and Young People's Participation (the Centre), obstacles exist at every level of society, from a lack of recognition in law and policy; to limited adult capacity to facilitate child participation in safe and meaningful ways; and a lack of access to justice for children needing to challenge violations of their rights. 8

Despite continued efforts by the Committee on the Rights of the Child to emphasize the important role of children's participation, an increasing number of governments are censoring children's access to information, limiting civic space that is safe and accessible, and creating legal, administrative and bureaucratic barriers for child-led organizations. According to consultations conducted by the Centre with more than 2,500 children across 53 countries, children repeatedly reported that adults are a key barrier to the realization of children's civic rights, as they often do not take children seriously when they are engaging in civic action. In some cases, children face threats and intimidation by adults who disapprove of their civic engagement and activism.

Even when children are able to contribute to decision-making processes in matters concerning them, adults do not always duly take their views and opinions into consideration. <sup>11</sup> In a survey of nearly 5,500 children between the ages of 10 and 12 years conducted by ChildFund Alliance in 2019, 1 in 2 children surveyed said that in their country, adults do not listen to their opinion on issues that matter to them. <sup>12</sup>



## Being Heard Is Every Child's Fundamental Right



Children have the right to have their views taken into account in decisions impacting their lives, according to Article 12 of the CRC. "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...in accordance with the age and maturity of the child."

The 2014 Optional Protocol (OP) to the CRC on a communications procedure gives children the right to submit an individual complaint to the Committee on the Rights of the Child (about violations of their rights once all national effective remedies have been exhausted).

The Committee's General comment No. 20 (2016) on the implementation of the rights of the child during adolescence is a key milestone for child participation, as it called upon States to ensure adolescents are involved in the development, implementation and monitoring of all relevant legislation, policies, services and programs affecting their lives. It built on the earlier General Comment No.12 (2009) which laid out basic quality criteria for fulfilling the right of the child to be heard. In 2018, the Committee's Day of General Discussion was dedicated to Protecting and Empowering Children as Human Rights Defenders and focused extensively on child participation.

The 2030 Agenda for Sustainable Development marked important normative progress in advancing children's right to be heard by acknowledging children as agents of change and reiterating the importance of child participation in sustainable development.

## Children's Voices Add Value

"Being young is a competence," according to Kate Gilmore, United Nations Deputy High Commissioner for Human Rights. 13 When children have the opportunity to share their opinions, they demonstrate the ability and power to influence decisions to advance their own protection, end violence against them, and foster more inclusive and responsive social structures and institutions. 14

"Remember, even one voice becomes so powerful when the world chooses to be silent. It took me quite a long time to have a voice. Now that I have it I am not going to be silent, because every child has the right to be heard."

Jhon, 16-year-old boy, Philippines

With their natural capacities, children bring adaptability, energy, relevance, and technological perspectives to program design and policy. Children intimately understand the issues impacting their lives and can envision sustainable and innovative solutions that are likely to be more effective than those devised by adults. For example, in the context of online protection, the Committee on the Rights of the Child Day of General Discussion on Protecting and Empowering Children as Human Rights Defenders (2018) concluded that protection measures are more effective if children are actively involved in their development, and can decide which measures are best to be applied. 16

In addition, evidence shows that children embrace the opportunity to be agents of change. Eighty-one percent of children consulted by Save the Children and the Centre for Children's Rights through an online consultation tool said that they are interested in decisions made by people in positions of authority about their communities and the world.<sup>17</sup> Recent research by World Vision shows that children participating in actions to stop the spread of



COVID-19 are eager to play a pivotal role in slowing the spread of the virus by conducting peer-to-peer awareness-raising campaigns on virtual platforms, reaching vulnerable adults and other stakeholders with pertinent information and advocating for needed social change.<sup>18</sup>

Moreover, the act of participating can itself help children to better cope with hardships and improve their self-confidence. 19 By helping to increase children's knowledge, capacity and skills, participation can lead to changes in harmful power dynamics and reduce children's vulnerability to violence and other rights violations. Recent research by ChildFund Alliance highlights that "promoting the active role of children as rights holders and agents in their own lives contributes to reducing their vulnerability and becomes a factor for protection in and of itself." 20

## Listening To Children: Emerging Areas Of Opportunity

#### Listening to Children in a Meaningful Way

Children's participation in decision-making is more impactful – both for them and for society as a whole – when they are able to participate in an environment that supports their empowerment. In its General Comment No. 12, the Committee on the Rights of the Child presented nine basic requirements for appropriate ways to give due weight to children's views in all matters that affect them. In summary, these quality requirements are:

Transparent and informative: children must be provided with full, accessible, diversity-sensitive and age-appropriate information about their right to express their views freely and their views to be given due weight.

"The right to be heard means having the freedom to express our opinions in an informed, comfortable and safe way without the influence or manipulation of any adult."

Edith, 14-year-old girl, Peru

**Voluntary:** children should never be coerced into expressing 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.

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.

Child-friendly: environments and working methods should be adapted to children's capacities. Adequate time and resources should be made available to ensure that children are adequately prepared and have the confidence and opportunity to contribute their views.

Inclusive: participation must be inclusive, avoid existing patterns of discrimination, and encourage opportunities for including girls and boys living in marginalized situations.

**Supported by training:** adults need preparation, skills and support to facilitate children's participation effectively and to provide them, for example, with skills in listening, working jointly with children and engaging children effectively in accordance with their evolving capacities.





**Safe and sensitive to risk:** in certain situations, children's expression of their views may involve risks. 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 potential negative consequence of their participation.

**Accountable:** a commitment to follow-up and evaluation is essential.<sup>21</sup>

Alongside these nine basic quality requirements, children's participation must also account for the age and maturity of the child. Meaningful participation by younger children will likely revolve around identifying issues of importance, and as children transition to and through adolescence, participation will evolve. Levels of engagement can include identifying and implementing solutions, educating and mobilizing peers, and bringing collective voice and evidence enabling them to be active agents of change.

For example, **in Indonesia**, where approximately 30 million children and young people (ages 10 to 24) live in high-risk areas for tsunami, floods and landslides, boys and girls have mapped potential risks, presented on pressing issues that affect them at community and school events, and engaged policymakers with innovative solutions.<sup>22</sup>

**In Bangladesh**, children ages 12 to 17 have worked through children's forums to address the needs of and mobilize support for children at risk of marriage. Their collective actions prevented 72 marriages over two years, according to research conducted by World Vision and the University of Edinburgh.<sup>23</sup>

When basic quality requirements are met, and appropriate participatory approaches are employed, children's engagement can lead to systemic change. Under these conditions:

- Children learn about their rights and relevant laws and norms.
- Children develop the skills, knowledge and leadership capabilities needed for civic engagement that also will help them prepare for future careers.

- Humanitarian and development programs are stronger, more innovative, more sustainable and more attentive to children's needs.
- The public is better informed about human and child rights as children communicate with peers.
- Protection of children increases as power dynamics shift due to children's empowerment.

**In Mongolia,** children played an essential role in the course of the government adopting legislation to ban corporal punishment of children. As part of the process, children participated in a regional research project and had a major influence on the public debate. Their role countering arguments and bringing the human impact of corporal punishment to public attention had a direct impact on the successful adoption of the new legislation.<sup>24</sup>

When efforts to engage children meet these quality requirements, many of the risks related to children's participation are addressed and mitigated.

"Some children are being forced by their parents to get married since they are just staying at home."

Paul, 11-year-old boy, Malawi

In today's reality, programs that support children's participation often fall short of meeting the quality criteria. One reason for this is limited investment in capacity building for children to help them understand their rights as well as what they should expect from adults. Another is a lack of training for adults to better facilitate and define quality participation of children. An additional factor is the shrinking space for civil society consultation and child participation in multilateral fora, which makes implementation of quality programs for participation increasingly difficult.<sup>25</sup>



#### Listening to the Most Marginalized Children

Children living in disadvantaged and marginalized situations can often face more extreme and difficult barriers that inhibit their participation. <sup>26</sup> This includes girls, children living with disabilities, refugee and migrant children, children living in rural areas or conflict zones, children with non-conforming gender identities and sexual orientation, children without parental care, indigenous children and children with different economic, migration or social status. Children who identify with more than one marginalized group may encounter multiple challenges. <sup>27</sup>

For example, children with disabilities face ongoing negative attitudes towards their participation in decision-making; a lack of access to sign language, hearing aids or other necessary devices; and scarce training for adults who could aid their participation. Similarly, in many contexts, girls who take on visible leadership roles in communities risk social ostracism. Indigenous children face unique obstacles as well, including language barriers and a lack of empowerment resulting from educational curricula that tend to overlook indigenous history. In addition, they are challenged by limited access to information and inadequate spaces for participation, particularly for those who live in remote or rural areas without internet access.

Children with disabilities face ongoing negative attitudes towards their participation in decision-making.

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Bringing the experiences and concerns of children living in disadvantaged situations towards efforts of societal change is essential. These children uniquely understand the problems they face and therefore have the greatest potential to devise sustainable and effective solutions. This is particularly critical given the lack of robust, disaggregated demographic data available to support decision makers about the needs and challenges these children encounter.<sup>31</sup>

The impact of just one young person can be great. A young teenager successfully worked to raise awareness of children without official identification. 14-year-old Haneen, who as a result of separation from her parents was living in a small group home, worked with Children with No Identity to raise awareness of children within the Palestinian community with no official identification documents or nationality. The campaign showed how children in marginalized situations could successfully engage in participatory, child-led civic action.<sup>32</sup>

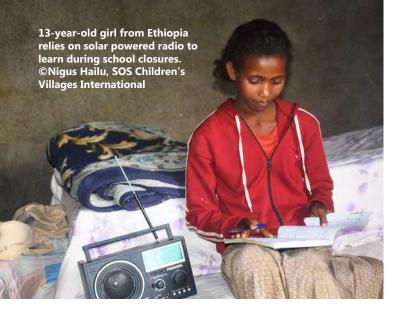
"A lot of girls my age are abused by borehole queue marshals who ask for sexual favours in exchange for a place in front of the queue."

Cute, 16-year-old girl, Zimbabwe

In the context of the global COVID-19 pandemic, a recent study by Plan International explained that girls and young women are likely to experience disproportionately the negative consequences of the current pandemic if decision makers do not address loss of education, increased poverty and rising levels of gender-based violence. The report further emphasized, "Consultation is key: and this includes strengthening the participation of girls and young women in decision-making arenas to make sure they are heard, their rights are respected, and their needs are met."<sup>33</sup>

Bringing together children living in marginalized situations with other children in non-marginalized situations can help shift power dynamics and norms. This can help society begin to view these groups as part of one general society – thereby reducing marginalization.<sup>34</sup> In addition, it increases children's knowledge, empowerment and capacity, which can bring about progress for the individual and the entire community.<sup>35</sup>

When children living in the most disadvantaged and marginalized situations remain outside participatory structures, decision makers miss the opportunity to learn in depth about the challenges these children face and their proposed solutions. Further, the rights of these children are violated when they are excluded from participating. Leaving these children behind generates further exclusion and exacerbates cultural and discriminatory attitudes and negative social norms.<sup>36</sup>



#### Listening to Children in the Digital Era

New technologies can allow large-scale surveys to reach even more children. For example, UNICEF's U-report, a social messaging-based platform, has enabled nearly 5 million subscribers, mostly young people in 40 countries, to inform policies, programs and reports.<sup>37</sup> Most recently the #COVIDUnder19 initiative comprising a broad-based coalition of organizations, academics, youth-led organizations and children, came together to meaningfully engage children in response to the global pandemic. Between May and June 2020, the initiative launched a global consultation for children between 8 and 17 years of age to share their experiences of the pandemic and contribute their ideas for shaping the post-COVID-19 world.

A social messaging-based platform enables nearly 5 million subscribers, mostly young people in 40 countries, to inform policies, programs and reports.

Terre des Hommes, one of the co-leads of the initiative compiled findings in a series titled, #COVIDUnder19.38 Digital technology also provides new and further-reaching platforms for children to mobilize. The worldwide school climate strikes initiated by the Swedish girl Greta Thunberg have underscored this potential.39 Technology is playing a key role particularly for children who are now better able to organize without the mediation of adults.40

However, the use of technology and social media also bring new risks for children. As they spend increasing time online, children can become targets of online bullying, abuse, grooming and exploitation. This danger can be amplified if children are at home alone when parents leave to go to work. Children who take action to promote their civic rights may be bombarded with negative comments and can be harassed or bullied for the opinions

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they express or the work they do.<sup>41</sup> Additionally, few countries provide legal protection of children's right to privacy, which can create a risk of surveillance by the state, parents and/or others.<sup>42</sup> They might also experience depression, which some studies attribute to elevated amounts of screen time that can negatively affect one's mental well-being.<sup>43</sup>

"This situation is troubling me immensely. Schools are closed and government has initiated online classes. However, many of us do not have smartphones. Also, internet connectivity is another challenge... as a result, we are not able to complete our education."

Chanchal, 12-year-old girl, India

The "digital divide" between children who have access to information communication technology and those who do not reflects ongoing economic disparities and discrimination. Both are experienced by children with limited educational opportunities, those who cannot utilize technology, as well as those who are living in disadvantaged circumstances. As related to participation, this divide can mean the difference between children having access to spaces — or not having access to spaces — from

which they can share their messages and have their voices heard. In the context of the COVID-19 global pandemic, digital exclusion has massive repercussions in all countries for children's access to space for civic participation, as well as access to healthcare, education, and other basic essentials.<sup>44</sup>

Some efforts are underway to mitigate the risks to children in the context of digital technology. For example, in Serbia, children are using a specific emoticon and sharing it with peers as a sign they are experiencing difficulty.<sup>45</sup> In India, a 15-year old child taking action to promote children's civic rights worked with a local pediatrician and approximately 40 children in a local child club to address online protection issues for children. Topics included speaking to strangers on the internet, sending pictures online, risks of grooming and sexual exploitation, and spending time on the internet rather than studying. Through the club's activities, children reported faulty health care facilities to relevant authorities, which were then improved; children successfully ensured the building of the first playground in the local community; and police began recording and reporting incidents of child abuse.46



# Call To Action: Realizing Children's Right To Be Heard

#### This is a Call to Action for All Governments to:

- Fully recognize and support children as rights holders and strengthen systems at all levels to allow for children's safe and meaningful participation in matters affecting their lives. This includes civic discourse and the development and review of services, policies, budgets and other frameworks.
- Develop, adopt and implement laws and policies that require wide consultation with children to influence decision-making and achieve change on matters affecting children. Ensure children have direct access to appropriate decision makers.
- Develop, adopt and enforce national laws and policies to protect and empower children who take action to promote their civic rights. This requires developing and implementing laws to uphold children's right to freedom of association, peaceful assembly, expression and access to information, as well as ensuring their protection from any form of intimidation, reprisal, harassment or attack.
- Ratify the Optional Protocol to the Convention on the Rights of the Child on a communications procedure to enable individual children to submit complaints for violations of their human rights to the CRC when all national level options for remedy are exhausted.
- Remove obstacles that prevent the meaningful participation of children by repealing or amending laws, ending restrictive practices, and working to transform public and political environments, structures and institutions to make them more respectful of and responsive to children's civic activity. This is particularly relevant for children living in the most marginalized situations.
- Develop and adopt laws and policies to protect and empower children who take action to promote their civic rights and rigorously enforce the CRC.
- Develop preventative measures and adopt laws and policies to **protect children from harmful online abuse** and websites that could lead to negative behavior.<sup>47</sup>

This is a Call to Action for All Governments, Multi-lateral Organizations, Civil Society Agencies, Private Sector Groups, Donors and Other Relevant Actors to:

- Take steps to invest in the advancement of children's meaningful participation in civic discourse and decision-making:
  - o **Create spaces and platforms**, particularly digital platforms with multilingual capabilities, which enable children to interact with decision makers and peers to influence decisions in a safe, accessible and age-appropriate way.
  - Provide free access to the internet and necessary technology that enables children to participate in digital platforms and other online opportunities.
  - o **Build the capacity of children** to gain the requisite skills, knowledge, leadership capabilities and confidence to share their views.
  - o Build the awareness, skills and capacity of adults, including parents, policy makers, educators, NGOs and other decision-making stakeholders, to provide support for children's participation. Encourage intergenerational dialogue to address adult mindsets that perpetuate barriers to children's participation. Ensure follow-up by adults to act on children's recommendations.
  - o Support shifts to culture and values to help **remove socio-cultural and political barriers** that impede children's participation.
  - o Facilitate children's access to the necessary, age-appropriate information.
  - o Support efforts to **reach and meaningfully engage** children living in the most disadvantaged and marginalized situations including indigenous children and those with disabilities. Provide accountability and respond to children's contributions and ideas.
  - Provide financial resources to organizations and groups working on these efforts and creating budgets with line items for children's engagement.

Include children in processes to respond to today's most pressing global issues impacting children's lives, including climate change, the COVID-19 pandemic, and ending violence against children.

> Develop a universal framework for measuring progress towards realizing children's right to be **heard**. This framework should emphasize the nine basic quality requirements established by the Committee on the Rights of the Child and utilize children's perspectives about their own experiences in participatory processes for measuring success.

Develop child-friendly, multilingual materials that are critical to children's safeguarding and to their to enabling engagement and giving due consideration to their wishes.



## The Last Word: Children's Perspectives

In commemoration of Universal Children's day, child delegates from around the world participated in an online forum hosted by the Joining Forces partners on 20 November 2020. They exercised and defended their right to be heard by sharing their perspectives on the Convention on the Rights of the Child; speaking out on the impact of COVID-19 on their lives; and addressing the impact of participatory processes on the rights of children. The virtual forum followed weeks of input and reflections

provided by children across the globe who reviewed and contributed to the content throughout this policy brief and who submitted videotaped statements. We are grateful to them for generously sharing their time and knowledge with us. Below are key takeaways as seen through children's eyes on Obstacles to Participation, Lack of Resources, and Gender.

# Obstacles to Participation

- Lack of initiatives from adolescents
- Lack of child rights activities during COVID-19
- With schools closed during the pandemic, violence against children is on the rise
- Children do not vote
- Political unrest
- Viewing children's participation as a formality
- Authorities taking credit for children's proposed activities
- Holding activities at inappropriate times for children
- Lack of access to education
- Divide between developed and developing countries
- Daily violence at home and in public
- Bullying, sexual harassment and abuse
- Child labor
- Lack of online access to voice our opinion
- Fear of the known and unknown

### **Gender Issues**

- Gender inequality is real and prevalent
- Early pregnancy
- Child marriage
- Girls cannot move around freely outside of the house
- Girls' hours are restricted
- Girls' transportation is restricted
- Girls' clothing is restricted and they are told to be quiet and listen

### **Lack of Resources**

- Lack of resources to organize activities
- Parents do not have money for transportation to and from events
- Children must care for siblings
- Lack of access to the internet



# Notes

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