



Strasbourg, 20 November 2007

CommDH/Speech(2007)18

Original version

## **“Children have the right to be heard and adults should listen to their views”**

The 2007 Council of Europe Koczak Lecture  
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*Warsaw, 20 November, 2007*

Henryk Goldszmit, who used the pen name of Janusz Korczak, is the father of the very idea that children also have rights - human rights. His thinking had a profound impact on the drafting of the UN Convention on the Rights of the Child. Some of us who took part in the ten-year-long work to formulate this treaty were inspired by his vision of the child as an individual subject – not merely an object belonging to adults.

It had been said about Korczak - when anti-Semitism had forced his dismissal as “Radio Doctor” some years before World War II - that he had a rare ability to talk to children as if they were adults and with adults as if they were children. He understood both and, therefore, acted as an interpreter between the two – and gave priority to the young generation.

His message was primarily about *respect* for children, respect for their inherent value as human beings but also for their capacity and competence. This trust also characterised the daily life in this home for children and, during his last years, in the orphanage inside the Warsaw Ghetto.

In the midst of the horrible brutality outside, those who lived in the orphanage developed a small democracy. All children had a say in the running of the home, they had all responsibilities and duties and monitored their own work and progress. Staff and children were all members of an assembly for important decisions. They had agreed upon a constitution with rules of behaviour and a court was established to deal with offenders (in most cases the “sentence” was to apologize). There was a bill board for messages and a newspaper for news and discussion.

This experiment of child democracy depended much on the spirit of Korczak and the other adult staff. It all came to a terrible end on 6 August 1942 when German Nazi soldiers marched them all, including the 190 children, to the Umschlagsplatz to be put on the train to the gas chamber in Treblinka.

Korczak’s example and writings have not been forgotten. His books are still reprinted in many different languages and still influence many. For example, I recently came across a new English edition of “King Matt the First”. This book, written 1923, about the boy-King’s attempted child revolution has been read by many children and adults, also outside Poland.

The book about Matt came at the same time as the League of Nations was preparing a declaration on the rights of the child, a work which Korczak attempted to influence. The final text adopted was

not to his liking. He found it patronizing and lacking in understanding of the real situation of children. He argued for a clear distinction between charity based on feelings of pity, and the acceptance of children as rights-holders.

One could see a trend from Matt's decision to create a child parliament in his Kingdom to the democratic relations in the Ghetto orphanage. Though Matt failed – mainly because of adult treason - his intentions and instincts were sound. However, rights and democracy for children requires attitude changes among adults. This, I believe, is one of Korczak's main messages.

Still today, many of his ideas are seen as either unrealistic or something for the future. However, there is a new trend, an increasing awareness, of the individual rights of children, based on the understanding that each child is unique and has an inherent value as a human being.

### **Convention on the Rights of the Child**

This awareness is articulated in the 1989 Convention on the Rights of the Child, which is the first international treaty to recognize the civil and political rights of children. It entitles children to be heard and their views to be taken seriously. Article 12.1 legitimizes children's participation in decision-making:

*'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.'*

The reference to the capability of the child to form opinions should be read in context. Indeed, all human beings have views and can express them from birth. Even infants and toddlers are 'experts' on their own feelings, likes and dislikes, and can make these known. The problem is whether parents, teachers, nurses and other adults are capable of listening, understanding and transmitting these views.

Article 12 is probably the least implemented aspect of the whole Convention. It seems not to be fully understood that this Article puts an *obligation* on governments to ensure that children's views are sought and considered on all matters that affect their lives.

The child's ability to form and express an opinion is also dependent on the fulfilment of several other rights in the Convention, such as the right to education and the right to participate freely in cultural life. Also highly relevant are the freedoms of expression, thought, conscience, religion and association as well as the right to privacy.

The UN Committee on the Rights of the Child - the body which monitors the implementation of the Convention - has designated Article 12 as one of the 'general principles' of the Convention, which means that it should guide the interpretation of the other articles and be of relevance to all aspects of the implementation of the Convention.

Of particular importance is the child's right to protection from all forms of abuse and violence. Korczak of course opposed corporal punishment. Children need safe environments where they can feel free to speak without the risk of being shamed or punished for their views.

### **Families**

One such environment should be the family. Decision-making patterns in a family do not just have an immediate impact in terms of the decisions taken but also affect children's understanding of how to listen to others and how to solve conflicts of interest.

In the past, children, especially small children and girls in most cultures, have had a very limited say on any matter within the family. Adults made important decisions on matters of vital and direct concern to children, relating for example to education and future employment, without making these decisions transparent.

Children may nowadays have more opportunities to make their own decisions, but they may also be left without adult guidance and support. Increasingly, family members are separated throughout the day, living 'parallel' lives at worksites, day-care centres and schools.

In other circumstances, children will spend most of their day in adult-organized activities, leaving less time than before for self-regulated play or activities where they are free to make their own decisions.

Surveys in several countries indicate that most first-time voters cast their ballots as their parents do, suggesting that children's political views are formed at home or that political positions are understood as a family matter. Children may be introduced to national or local politics by listening to adult conversations at home – but it is unlikely that they will be encouraged to take an active part in these. Where both parents are working, a multitude of sources, not the least the media, may increasingly influence children's views.

## **Schools**

The Committee on the Rights of the Child has formulated a *General Comment* on "The Aims of Education" in which it states that "*the participation of children in school life, the creation of school communities and student councils, peer education and peer counselling, and the involvement of children in school disciplinary proceedings should be promoted as part of the process of learning and experiencing the realization of rights*".

In order to develop informed and independent views, children need to have access to extensive information from multiple sources, as well as to be trained in reasoning skills and critical analysis. Participatory and interactive learning methods are thus the key not only to better educational results but also to dialogue, the sharing of views and critical thinking. To learn to solve problems and address conflicts of interest, children have to practise listening, weighing of arguments and balancing of competing interests.

'School democracy' in the form of student councils or student-teacher conferences do exist in a number of countries, but the scope of such involvement is traditionally limited to extracurricular activities, recreation and maintenance of school premises. Few schools encourage students to express their views – let alone influence curricula, lesson-planning or disciplinary policies. Agreed and transparent mechanisms to handle students' complaints seldom exist.

Schools, in particular public schools, have traditionally been the primary instrument of the state for formal political socialization. Highly patriotic messages and uncritical respect for the nation and its ruling institutions have tended to be common features of 'civic education' and similar courses, especially in authoritarian regimes. In an increasingly complex and interdependent world, democratic nations require citizens with a broad knowledge base, critical attitudes and good reasoning skills. Schools that are more 'participatory', that rely to a greater extent on interactive

learning methods, are more likely than the traditional educational models to contribute to these types of 'modern' citizens.

## **Media**

In the spirit of Korczak, the Convention emphasises that children have a right to adequate information appropriate to their age. Just like other citizens, they have the right to be informed about their situations, options and the consequences of their actions. Media play an essential role in this respect.

Mass media could do more in this field. A minimum is that they avoid stereotyping children and adolescents in ways that promote prejudices about their views and behaviours, whether for commercial or other reasons.

Programmes to improve children's access to relevant information should be designed and adjusted for different age groups. In spite of their obligations in this area, few governments have taken public media services for children seriously. Few, if any, have made an effort to involve children in the planning or production of media programmes.

The media also have a key role in making children's views known to the public at large. Trained journalists are needed who are sensitive to the daily lives and special needs of children, including children at serious risk of exploitation and abuse. Having children take part in opinion polls and news commentaries is another way the media can make the voices of children heard.

The media have in some cases tried to involve children, for example, through a special page in newspapers or through occasional special television or radio programmes. Children's magazines have also played a role. The more children themselves have been able to influence such media, the more successful these experiments have tended to be. Child journalists have been effective as reporters and interviewers, helping to make children's views known.

Modern communications technologies, in particular the Internet, offer opportunities for children to share their views on an unprecedented scale and to organize common platforms for influencing politics and public affairs outside the established channels.

These developments, however, have also brought an increased risk of widening even further the gaps between included and excluded children. Nonetheless, partly due to the relatively low cost of some computer-based communications, especially if developed on a community or school-related basis, the Internet deserves careful attention as an instrument for enhancing children's participation and their rights to have a voice in modern society.

## **Non-governmental organizations**

Some of the more active movements of young people, especially students, have developed in opposition to established institutions and political parties. Many youth groups campaign for reforms within a single field, such as environment, peace or anti-racism, instead of taking part in traditional party politics. It is not unusual that young people take to the streets to express their views, sometimes in unconventional, provocative or at times even violent ways.

Genuine children's organizations with a mission to defend children's interests and rights are emerging in all regions. They are organized in varying ways, as pressure groups or independent consultative associations. Children's Clubs in Nepal represent an interesting model. These clubs for

8- to 16-year-olds seek to develop organisational skills and provide training in joint decision-making. Children take part in community forest or sanitation projects and, more broadly, learn to defend their right to express themselves and to be protected from abuse.

In the United Kingdom, children have established their own organization for promoting their rights, called *Article 12* (after the article of the Convention). Members learn to speak out on issues that concern them at home, at school and in the local community. Interestingly enough, several examples of such organizations can be found among working children in developing countries. The time has come for a comparative analysis of the impact of these initiatives.

Children's organizations of this kind have a potentially important role to play in collecting and voicing the views of children, especially those of poor or disadvantaged children. Most such groups do, however, need some support from adults since they may not have the authority or capacities, including financial, to organize meetings or demonstrations, maintain a bank account, publish or otherwise access the media. Adults also provide continuity and sustainability.

Many organizations set up by adults for other purposes – such as scouting, sports, leisure or religious activities – could also provide training in democratic practices and a forum for children to express their views. The scout movement, for example, has been strongly engaged in promoting children's rights. Although some organizations are guided by sound moral values and democratic codes, others (notably some fundamentalist religious sects) are highly authoritarian and appear to manipulate children in the most appalling manner.

Apart from organizations established by or together with children, there are of course many set up – at least partly – to serve children's interests. Social welfare organizations belong to this category, as do some trade unions and professional groups such as teachers unions and associations of paediatricians. These organizations do have a role to play in promoting children's participation in society and would be more effective if they were more receptive to children's views than they have traditionally been.

### **Political bodies**

During a “Day of General Discussion” in September 2006, the Committee on the Rights of the Child entered more decisively into the complicated area of children and political decision-making. It recognised in its report that progress in this field implied long-term changes in political, social, institutional and cultural structures.

The Committee did *not* recommend a particular model for child participation in political decision-making, but welcomed the step taken in numerous countries by the creation of child parliaments at national, regional and local levels. It stressed that such initiatives offered valuable insight of the democratic process and established links between children and decision-makers.

However, it also pointed at the need for governments to establish clear guidelines on how the views presented by children in such forums should be taken into account by the formal political process and for a serious feed-back on the proposals.

The Committee urged governments to move from an “events based approach” of child participation to a systematic inclusion. Mechanisms to facilitate such participation should be institutionalised. For instance, government structures with key responsibility for the implementation of the rights of the child should establish direct contact with child and youth-led organisations. Generally, the work of non-governmental organisations to promote child participation ought to be supported.

Other proposals were that public officials dealing with child matters be provided special training. Children's ombudsmen or commissioners should be resourced to involve children in their monitoring work.

In sum, the Committee made clear that the State has a positive obligation to provide or facilitate meaningful forums where children could express their views, and to create consultative structures through which these views might be recorded and considered. This requirement is especially relevant for public authorities and services with a direct impact on children. It was left to governments to work out actual ways to apply the right of participation in national and local contexts. Alas, the discussion has to continue.

Children are not directly represented in official decision-making bodies. They are not allowed to vote and in many countries they are not allowed to become members of political parties or even join associations with political orientations until the age of majority (a limited few countries have set the age for voting right at 16 instead of the more common 18 years). Often they cannot organize meetings and have limited rights of assembly. Political parties often lack capacity or interest to consider children's views and enhance their influence in political affairs.

The pressure for genuine child participation in politics has not been strong. When children have been invited to take part in political manifestations they have all too frequently been manipulated, their participation clearly designed in a token way. The assumption has been that parents and guardians represent their children in the political arena and in society in general.

However, this 'representation' is not always or even generally adequate. For one, there may be conflicting interests between parents and children and among individual children in a family. Furthermore, family disintegration is a growing trend throughout several parts of the world; and partly as a consequence of this, parents are less familiar than in the past with the daily lives of their children. These developments increase the dilemma that a large portion of the population is excluded from any political influence.

In line with the emerging understanding of the rights of the child, political institutions ought to seek ways of consulting the views of children themselves. How can their voices be heard within the formal institutions of democracy?

## **Parliaments**

Parliament has a monitoring role and may require children's views to be considered when bills and other proposals are being prepared. They could also ensure that when proposals are referred to relevant organizations for comments, children's organizations are included. Individual parliamentarians could, of course, channel suggestions from children or children's groups through resolutions or during parliamentary debate. To do so, they need to be willing to solicit ideas from young persons.

Parliamentary cross-party lobby groups on children's rights are active in some countries. They interact with voluntary children's rights groups but have not as yet been able to develop proper mechanisms for consulting children. In some countries like Norway and South Africa, initiatives have been taken to introduce a discussion on the child dimension of the national budget.

This is clearly uncharted territory, not least in younger democracies whose parliaments are still evolving and frequently paralysed by a 'majority-takes-all' complex. Long-standing democracies may have to take the lead in developing examples of meaningful mechanisms for consulting young

people. Needless to say, every country has a very different political scenario and there can be no general blueprint.

### **Central governments**

Since central governments play a crucial role in the preparation of laws and policies and, later, in setting the rules and regulations for implementing these measures, including the mobilization and distribution of resources, it is essential to create mechanisms that effectively take into account children's voices. Their views should be reflected in data collection and relevant research. Analyses should be undertaken on the possible impact of major policy and budget proposals on children's lives and could usefully include discussions with children themselves.

In many countries, inter-ministerial coordinating and monitoring bodies have been set up to consider children's issues. Many of them have reporting to the Committee on the Rights of the Child as a major task. Such bodies might be expected to play a greater role in encouraging national – but also provincial and local – authorities to consult with children and might also monitor these efforts. In most cases, these bodies need to be given more political clout and be active participants in the development and budget planning processes.

Although accountable in varying degrees to the parliament and the electorate, ministries and executive bodies are often more sensitive to influential pressure groups and the mass media than to the broader public. This is obvious in relation to children's issues. A popular way for children to enter into dialogue with representatives of the government is to take part in public hearings. Such events may trigger further action, but do not obviate the need for systematic consultative processes at the local level and should not be confused with these.

### **Local assemblies and executives**

Most decisions with a direct and tangible impact on children's lives are taken at local level. Examples include the planning and governing of local neighbourhoods, schools, sports and cultural facilities, water and sanitation and health services. In the last decade, moreover, there has been a strong trend in most countries towards decentralization of central government responsibilities to district and community levels.

This trend, though raising many difficult issues, including the problem of equity, has opened up new opportunities for children to take part in and influence decision-making in the public sector. Options are varied and may include dialoguing directly with children or indirectly through their representatives; obtaining the opinions of various children's groups or listening to individual voices; collecting children's views systematically or doing so on an ad hoc basis.

Several countries have undertaken experiments to enhance children's participation in local government affairs. In Sweden, the Children's Ombudsman has encouraged and closely monitored local government efforts to involve children. Many local governments in Sweden have shown interest in increasing children's participation and established youth councils or similar mechanisms, although still on a pilot basis.

Projects promoting children's participation in local politics are still unusual and ad hoc in character. Most of them are driven by NGOs or dependent on individual politicians. It will probably take considerable time before sufficient political will is generated and experience gained to take such pilot efforts to scale.

## **CONCLUSIONS**

Obviously, there is no clear vision of the content and implications of children's right to be heard and to participate in decision-making. Therefore, as a very first step, goals and standards for the realization of this right need to be spelled out in more concrete and substantive terms.

Implementing this right requires long and short-term objectives and strategies to address social attitudes and behaviours, and to develop viable models for children and adolescents to participate in political and societal decision-making. Mechanisms need to be developed within political bodies that ensure systematic consultation with children and serious consideration of their views.

The objective should be to create a culture of greater receptivity to and respect for children's views. Unfortunately many adults seem to consider this prospect a threat. The issue of children's influence is seen as a 'zero-sum game' – that is, a situation in which one side wins only if the other side loses. In other words, if children get more power, adults believe they will lose some of theirs and be less able to control the family, or uphold discipline in the classroom.

In some countries, adults have aggressively opposed children's participation in the name of parents' rights or religious principles. To change such entrenched patriarchal attitudes towards children may take some time.

How can this issue be raised in a meaningful way? How can it be shown that there is no contradiction between giving children the possibility of influencing their lives and society, on the one hand, and safeguarding the role of adults to care for, guide and protect children, on the other? How can it be made obvious that this is not a win-lose game, but that all sides stand to gain if adults learn to support children in the exercise of their rights?

Here are some suggested first steps:

1. Children's primary arena is the home. Raising awareness among parents and caretakers about a child's right to be heard, and helping them cope with their parenting roles in this respect, must be a priority.
2. The other key arena is the school and kindergarten. Interactive learning, relevant curricula and democratic attitudes and procedures are essential contributions. Such measures should focus on strengthening children's ability to express themselves, to handle democratic processes and to understand society and its problems better. A huge task ahead is capacity-building among teachers and school staff on how to listen to children, enhance dialogue and promote conflict resolution in a democratic manner.
3. Children's organizations advocating for the realization of children's rights could be promoted, and other NGOs working with or for children, such as sports clubs or charity groups, could be encouraged to listen to children and respect their views.
4. Political parties should be encouraged to develop their capacity to consider children's views and enhance children's influence in political affairs.
5. Television, radio and the press should have 'child-friendly' news presentations and make sure that children's views are presented on matters of special concern to them. Budgetary support could be considered for media productions by children and for Internet access and the construction of Web pages on themes children themselves choose to highlight.

6. Steps should be taken to make the justice system child-friendly. The court procedures must be adjusted to meet the needs of children, be they perpetrators, victims or witnesses. Children should have an influence on administrative or judicial decisions relating to themselves, for instance on custody care and adoption.

7. Governments should define issues which have great impact on children's lives and on which they should therefore ought to have a say, for instance family policies, the planning of community facilities, school policies, children's health care and recreation services. They should identify meaningful ways to take children's views into account and ensure that they are representative and relevant. Channels of expression should be explored which are adequate to different age groups, including young children – such as dialogues with pre-schoolers, school councils, opinion polls, representatives and other models. Special measures should be taken to enhance the voice of groups of children with disabilities or other disadvantaged groups and explore how to overcome possible constraints.

These steps would be in line with the vision of Janusz Korczak. Enabling children to express themselves and have their views heard and respected in the home, in the school and in the community from an early age will enhance their sense of belonging - and readiness to take responsibility.