

NATIONAL CHILD PARTICIPATION FRAMEWORK

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Save the Children



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Executive Summary

Child participation refers to the active involvement of children in the decisions, processes, programmes and policies that affect their lives.

Participation is a fundamental right of children. It is also a means through which their other rights can be realised. The obligations on the state to protect, respect and promote the right of children to participate in decisions that affect them are governed by the United Nations Convention on the Rights of the Child (United Nations, 1990) and the African Charter on the Rights and Welfare of the Child (African Union, 1999). These are reflected in the Constitution of the Republic of South Africa (Republic of South Africa, 1996) and the Children’s Act 38 of 2005 amongst others.

Despite these legal obligations, a number of legislative and implementation gaps and barriers to child participation persist and there is a need for the development of a funded national systemic child participatory framework. This document is the first step in achieving this objective and provides a common framework to guide all spheres of government, civil society and different sectors to promote the meaningful participation of children. It was developed under the guidance of the National Department of Social Development and Save the Children South Africa and followed a consultative process in its development.

The Best Interest of the Child is paramount in any participatory work with children to ensure that it is ethical, safe and meaningful. In order to guide us in meeting the best interests principle the participatory processes need to be: transparent and informative, voluntary, respectful, relevant, facilitated with child-friendly environments and working methods, inclusive, supported by training, safe and sensitive to risk and accountable.

Research and practice affirm that ‘effective’ child participation can be highly specific to the setting or context within which the activities take place. The settings in which children are entitled to have a voice in decisions that affect their lives, include in the household and family, school setting, child protection, courts, health setting, community or local government setting and national policy level setting. Guidelines for practice in each of these settings are outlined in detail in this document and a summary is contained in the table below.

Table 1 Summary of child participation in different settings¹

Setting	Description
Family/ household	Children should be encouraged to learn to contribute to the day-to-day decisions that affect their lives - being involved in choices about what they eat, with whom they play and what they play, what they wear, where they live if parents separate, and the level and nature of contact with the non-resident parent.
School	Children are entitled to be active participants in their own learning in and outside the classroom through debate, discovery and engagement. Children can also be involved, for example, in developing school rules, running school councils, designing and creating play spaces, introducing school policies to address bullying and discrimination, providing feedback on teaching methods (what works and does not work), peer counselling and school management boards.

Health care	Children should be involved in decisions affecting their own health care as well as the development of how, where and what health services are provided for them. Children of all ages should be provided with child friendly information to enable them to participate in decisions about any treatment or services they are being offered, in accordance with their age and maturity. They need access to confidential medical counselling and advice where this is needed for the child's well-being or safety, and competent children should be able to consent to treatment in their own right
Justice system	<p>In civil court proceedings: Courts making decisions about children, for example in divorce, adoption or care proceedings, must take the views of children seriously. Children have the right to participate and express their views which must be given due consideration. Where parents make informal agreements about their parental responsibilities and rights, children's views should be considered. In making decisions affecting the child, the child should be able to challenge arrangements and or decisions and should be provided with legal representation to enable them to make their views known to the courts.</p> <p>In the juvenile justice system: Children involved in the juvenile justice system must be given the opportunity to obtain legal and other advice and assistance and they should be able to be heard throughout any criminal proceedings. Child friendly environments should be introduced in courts so that children are not intimidated and are enabled to speak and express themselves freely.</p>
Child protection	When children have suffered physical violence, sexual abuse or other violent crimes, they must have their views taken into account in any proceedings instituted to protect them. They should be enabled to provide testimony in child friendly and age appropriate court environments which take account of the child's level of understanding and capacity to express views.
Community/ local government	Children need spaces within local communities for their voices to be heard – for example through their own child-led organisations and initiatives, such as youth parliaments and municipal children's councils, as well as through involvement in community matters such as the design and development of schools parks, playgrounds, health facilities, local transport systems and community development plans.
National government policy making/ reporting	Children should be able to contribute to the development of relevant legislative reform, policy making, data collection, resource allocation, and planning, for example, National Plans of Action and Poverty Reduction Strategy Papers.

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I Introduction

Since the 1970s in South Africa, children have, and continue to, participate in the political and social participatory spaces created by law and through other instruments. This has included street-based protests, participation in school governance fora, and participation in policy-making processes, research and evaluations.

The obligations on the state to protect, respect and promote the right of children to participate in decisions that affect them are governed by the United Nations Convention on the Rights of the Child (United Nations, 1990) and the African Charter on the Rights and Welfare of the Child (African Union, 1999). These are reflected in the Constitution of the Republic of South Africa (Republic of South Africa, 1996) and the Children's Act 38 of 2005 amongst others.

Whilst the national legislation provides a strong foundation for protecting, respecting and promoting children's right to participation in South Africa, a range of policy and implementation gaps and barriers to child participation persist. These include cultural barriers, adult resistance, and lack of adult capacities to facilitate child friendly participatory processes.

1.1 Purpose and structure of the framework

In order to address the abovementioned gaps and barriers to child participation, and in light of the provisions articulated in the CRC, ACRWC and The Constitution of South Africa, a holistic and systematic response is required starting with the development of a funded national systemic child participatory framework. Once finalised, the framework must be institutionalised at all levels of government – from national down to local level.

This document provides a common framework to guide all spheres of government, civil society and different sectors to promote the meaningful participation of children.

The overall purpose of this framework is to ensure better levels of participation of children across all settings so that their right to participate in matters affecting their lives is fulfilled.

The framework starts off by providing an overview of the international and regional legislation for child participation. This is followed by a definition of child participation, why it is important and some of the myths and risks surrounding the concept. It then sets the context by presenting the situation of child participation in South Africa and then presents the guiding principles which should underpin any participatory process involving children as elaborated in the General Comment on Article 12 produced by the Committee on the Rights of the Child (CRC). The checklists for these guidelines are contained in the annexures, together with some useful background reading related to different models and types of child participation, including approaches and practice standards related to child participation.

1.2 How was the Child Participation Framework developed?

This Framework has been developed under the guidance of the National Department of Social Development and Save the Children South Africa. The process began with a series of interviews conducted with nine key stakeholders from government, Chapter 9 institutions, civil society organisations and academic institutions to solicit inputs for the development of the framework. This was followed by an extensive review of all existing and relevant documents related including relevant legislation, theoretical frameworks and literature - national, regional and international (see bibliography attached).

The framework was then shared in a consultation workshop with key stakeholders in the children's sector in South Africa. Firstly, it was presented and discussed at a national consultation workshop at the end of

February 2018 which was attended by national and provincial government officials and representatives from civil society organisations. Secondly it was shared and discussed with children themselves at a national level workshop in order to get their comments and inputs into the content of the framework.

The comments and inputs from these consultations have been integrated into the framework and children's voices are also reflected in the principles and guidelines.

2 International and regional obligations

What is child participation?

Child participation refers to the active involvement of children in the decisions, processes, programmes and policies that affect their lives.

The United Nations Convention on the Rights of the Child (UNCRC) recognises that children are not merely passive recipients, entitled to adult protective care. Rather, they are subjects of rights who are entitled to be involved, in accordance with their evolving capacities, in decisions that affect them, and are entitled to exercise growing responsibility for decisions they are competent to make for themselves.

- Article 12(1) provides that: '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 CRC encompasses 'all matters affecting the child'².
- Article 12 of the UNCRC is a unique provision in a human rights treaty, addressing the legal and social status of children under the age of 18 years who lack the full autonomy of adults but nevertheless are subjects of rights. It states that every child who is capable of forming views has the right to express those views freely in all matters affecting him or her, and that their views must be given due weight in accordance with their age and maturity. Furthermore, children are entitled to be heard in any judicial or administrative proceedings that affect them, either directly or through a representative. This is a fundamental right, and the Committee on the Rights of the Child has identified it as an underlying principle which must inform the implementation of all other rights.
- Article 5 requires parents and guardians to provide direction and guidance to children while respecting the 'evolving capacities' of the child.
- Article 9 stipulates that children shall not be separated from their families without the right to make their views known.
- Article 13 ensures that children have the right to express themselves freely and to access information, subject to prevailing laws.
- Article 15 stipulates that children have the right to freedom of association, subject to prevailing laws.
- Article 17 provides that children have the right to information that is beneficial for them, in their own language and appropriate to their level of understanding.
- Article 29 requires that children have the right to education that promotes respect for others in a free society³.

Overall, this cluster of civil rights has been broadly conceptualised under the term 'participation' and these rights to take civic action is a necessary requirement which enables children to participate in public decisions and processes.

A number of UNCRC General Comments are relevant to participation of children:

- UNCRC General Comment 12: The Right of the Child to be Heard (UN Committee on the Rights of the Child, 2009). This comment provides details of how member states should ensure children's participation at home, at school, at community level, and in judicial and administrative settings.⁴
- UNCRC General Comment 19: this comment recommends open, inclusive and accountable resource mobilization, budget allocation and spending. It clearly states that States must not discriminate against any child through resource mobilization, budgeting and spending. Furthermore, States should also regularly ensure that children participate in budget decisions, allowing children to participate in those issues that concern them.
- UNCRC General Comment 20: General Comment on Adolescents. This comment provides States with guidance on the legislation, policies and services needed to promote comprehensive adolescent development consistent with the realization of their rights. It provides details and guidance on adolescents' right to be heard and to participation.

At regional level, the African Charter on the Rights and Welfare of the Child (African Union, 1999) sets out the main obligations for the member states to ensure child participation. The main child participation articles include:

- o Article 4 requires that 'In all actions concerning the child undertaken by any person or authority the best interests of the child shall be the primary consideration. Furthermore in all judicial or administrative proceedings affecting a child who is capable of communicating his/her own views, an opportunity shall be provided for the views of the child to be heard either directly or through an impartial representative as a party to the proceedings, and those views shall be taken into consideration by the relevant authority in accordance with the provisions of appropriate law'.
- o Article 7 provides for the freedom of expression for children.
- o Article 13 requires the state to ensure the dignity, promote the self-reliant terms and facilitate a child with disability active participation in society.

The Agenda on Sustainable Development Goals further commits Member States to promote peaceful and inclusive societies for sustainable development, provide access to justice for all and build effective, accountable and inclusive institutions at all levels (SDG 16). More specifically, SDG 16.7 aims to ensure responsive, inclusive, participatory and representative decision-making at all levels.

3 Importance of child participation

Participation is a fundamental right of children. It is also a means through which their other rights can be realised. It is important for a number of reasons⁵:

- Participation is a basic human right that children are entitled to.
- The active engagement of girls and boys provides information on, and insights into, their lives that can inform legislation, policies, budget allocations and services, and can lead to the best possible outcomes across a range of rights, including health, education and family life.
- Through participation, children learn to cooperate with adults and other children.
- Empowered children can become active and effective advocates for the realisation of their own rights.

- Children acquire skills, knowledge, competencies and confidence through participation. It therefore enhances their development and contributes to: the aims of education outlined in Article 29; their optimum development, in accordance with Article 6; and their capacities to exercise their rights, consistent with Article 5.
- Participation leads to better protection. Children who are silenced and passive can be abused by adults with relative impunity. Providing children with information, encouraging them to articulate their concerns, and introducing safe and accessible mechanisms for challenging violence and abuse are key strategies for providing effective protection. Children who have access to information about health and sexuality are better able to protect themselves from unwanted pregnancy, sexually transmitted diseases, and HIV. Child workers who form and join associations may be able to protect themselves better against exploitation and abuse by their employers.
- Children’s participation raises public awareness of the needs of children.
- Participation promotes civic engagement and active citizenship. Through participating in discussions about matters that concern them, children can acquire the capacity to contribute to building peaceful and democratic societies that respect human rights. Participation contributes to a culture of respect in which decision-making is undertaken through negotiation rather than conflict.
- Participation helps to build accountability and promote good governance. It is a means through which governments and other duty-bearers can be held to account. Recognising children’s right to be heard can make an important contribution towards more transparent and open government.

Why prioritise children’s participation in resource-poor settings?⁶

Although there has been a significant decline in child poverty in recent years (largely due to the expansion of social grants), the reality is that 61% of South Africa’s children live in households below the income poverty line. This lack of adult income in the home compromises many children’s access to basic services, adequate food, water, sanitation and housing. In fact, children are disproportionately affected by unemployment: Nearly one in four economically active adults are unemployed, yet more than a third of children (36%) live in households without an employed adult.

Planners and policy-makers can easily overlook the conditions children face unless child-centred statistics are used. For example, having deduced that 71% of households have basic sanitation, a second calculation is needed to demonstrate the impact on children: Only 63% of children live in households with basic sanitation. Government decision-makers and service providers cannot provide better services unless they understand children’s experiences of poverty. Therefore the realisation of children’s socioeconomic rights is dependent on realising their civil and political rights (to be fairly represented and properly researched). Given the realities of poverty, some may feel that fulfilling children’s basic needs must make first claim on scarce resources, and that their participation in social dialogue is an unaffordable luxury. But a child-centred, consultative approach to children’s experiences of poverty is necessary to build an accurate picture, thereby doing justice to the constitutional principle that prioritises the “best interests of the child”. Just as poor people should have a say in how best to deal with poverty, so too should children have a say in how budgets and government programmes should tackle the consequences of poverty in their lives. In remote rural settings children are often marginalised by the daily demands of agriculture and rural survival, as well as cultural traditions guiding relationships between generations. Children may be excluded from the very decision-making processes in which they could offer practical solutions based on their own experiences. The demands on children are changing as adults struggling to cope with income poverty also face HIV-related illness that is often both physically and mentally debilitating. As elsewhere in southern Africa, children are playing increasingly complex multiple roles as they try to meet their own physical, social and emotional needs, plus those of their siblings and often their adult family members. Evidence shows that children’s participation in everyday decision-making and service design becomes all the more important in bolstering their abilities to cope with being a learner, carer and/or breadwinner

in a constantly changing environment. In addition, fulfilling multiple roles in the home and community creates particular restrictions on the types of service children are able to access, and benefit from. Without seeking children's input on design, service providers will miss the mark. A further reason to prioritise participatory approaches in resource-poor settings is their psychological benefits. Children facing poverty-related insecurities hold on to the sense that they, or their adult carers, are in control of their lives as a way of coping with uncertainty. But coping in this way is not sustainable because so many factors are outside their control. Psychologists have found that people cope better with uncertainty when their opinions and experiences are heard, and acted on, because such responses bolster self-esteem, sustain hope and can create networks for accessing support.

3.1 Myths and risks of child participation

This section presents some of the most common arguments made against the participation of children and young people⁷.

Myth 1: Children (especially younger children) lack the competence or experience to participate.

Competence is, to a great extent, determined by a child's own social context and culture. Children have different levels of competence in respect to different aspects of their lives. Evidence from around the world demonstrates children's capacities to take responsibilities in family life, at the workplace, in political negotiations, and in creating democratic schools. Even very small children can tell what they like or dislike about school, can produce ideas for making a lesson more interesting, can offer help to and counsel other children. Provided they are given appropriate support, adequate information and allowed to express themselves in ways that are meaningful to them, all children can participate in issues that are important to them. The creation of settings that maximize children's opportunities to explore and initiate activities themselves is a means of fulfilling the spirit of the CRC.

Myth 2: Children must accept responsibilities before they can be granted rights.

One of the more effective ways of encouraging children to accept responsibility is to first respect their rights. Listening to children and taking them seriously encourages children to understand others and to respect their views. Adults do not have to prove that they will act responsibly before they are given the right to vote. In many countries, adults will have had no experience during their childhood and adolescence to prepare them for the responsibilities of adult citizenship. Providing opportunities for children to experience democratic decision making can only strengthen their commitment to, and understanding of, the importance of exercising responsibility in a democratic environment.

Myth 3: Children's participation is not part of our traditional culture.

It is true that listening to children and taking their views seriously is not part of many cultures. But the fact that women and children have been treated in a particular way in the past does not justify continuing to do so, as new standards of respect for human rights evolve. Women have traditionally been denied access to power, to economic equality, and to protection from violence, but it is now widely recognized that attitudes towards women must change and must be backed up by legal protections to promote women's equality with men. The same applies to children. The CRC challenges all cultures to review their attitudes and behaviours towards children. These changes should be introduced in ways that are sensitive to cultural traditions and religious beliefs, but culture should not be used to justify denying children the right to be heard. Children's-participation practice around the world is developing in different ways, in part reflecting diverse cultures and political environments.

Myth 4: Giving children participation/civil rights takes away their childhood.

The CRC's 'participation' articles do not impose an obligation on children to participate in decisions. Rather, they assert the right of children to do so. Children should not be forced into participatory initiatives for which they do not feel prepared. However, it is a romanticized view of childhood to imagine that most children are not making decisions and taking responsibilities from a very early age. Even small children in highly protected environments make decisions about friendships, decide on what games to play, or may have to negotiate between parents in conflict. In many countries, young children are caring for younger siblings and sick family members, or participating in the labour market. Offering these children opportunities to articulate their concerns is not imposing any further responsibilities on them. Rather, it is providing an opportunity to improve the quality of their lives and promote greater respect for their rights.

Myth 5: Children's participation will lead to lack of respect for parents.

Listening to children entails respecting them and helping them to value the importance of respecting others. It is not about teaching them to ignore their parents. Article 29 of the CRC clearly states that one of the aims of education is to teach children to respect their parents. Listening is a way of resolving conflict, finding solutions and promoting understanding – these can only be beneficial for family life. It can be difficult for some parents to respect children's rights to participate if they feel that they, themselves have never been respected as subjects of rights. This does not imply the need to retreat from encouraging children to participate but, rather, the need to be sensitive in doing so. Children should not be led to believe that they alone have the right to express their opinions. Wherever possible, all other members of their families should be involved in the process.

Myth 6: Children who participate are not representative.

When children speak on an issue, whether at a conference or to their national or local government, they are often accused of not representing other children. Children can rarely be formally representative but this does not invalidate their contribution, provided they make no claim to speak for all children. Their own views may be based on experience of rights abuses within their community, on research undertaken with a wider group of young people, or on work within a project they are involved in. These experiences provide legitimacy to speak, certainly no less so than many of the adults who make representations to governments. However, it is important that the voices of children from different experiences and perspectives are heard. It is also important that children chose their representatives themselves, through a fair and transparent process, rather than children being selected by adults.

Myth 7: Some children become professionalized child speakers.

There is a risk that some children become almost 'professionalized' as speakers and representatives for their organization, with the result that they spend their lives in public arenas and away from the roots that provide the source and legitimacy for their contribution. The particular value of creating opportunities for children to be heard is that they are speaking from direct and continuing experience. It is important not to lose that legitimacy. Some organizations have developed democratic structures, or have created many roles for children, to ensure that public roles are not monopolized by a few children who claim to represent children overall.

Myth 8: It is difficult to sustain children's participation.

Projects and organizations involving children, by their very nature, will experience continual loss of children as the children reach the age of 18 years and become adults. Children do not remain children. This can weaken children-led agencies and threaten their continuity. It is important to involve new children and facilitate the transfer of skills from older to younger children. Some organizations develop a group of

young people as advisers who continue in a supportive role once they have reached the maximum age for membership.

Myth 9: Children with disability are unable to participate in decisions affecting them.

Children with disabilities are just as capable to participate and lead full and productive lives as anyone else. The focus should be on the child's ability, what they can accomplish, rather than on their restrictions. Disabled children with disabilities are very able to participate in decisions affecting them.

Some risks

Children can be manipulated by adults. There is a danger that adults use children to promote their own political agendas. It is important that events and projects establish clear principles, setting out how decisions are made and the relationships between adults and children. As children gain skills and confidence through their involvement, they will increasingly want to determine their own agendas and will challenge attempts by adults to manipulate them. This issue highlights the need to build strong children-led initiatives and to avoid one-off participatory events that are not part of on-going processes to build children's capacities, networks and organizations.

Children's participation puts children at risk. Children's participation in the media, in advocacy, or in high-level political events may put children at risk of on a number of different levels. This risk may be particularly high in conflict situations and in non-democratic societies where public expression of opinions can result in reprisals. Children who participate in projects, events or organizations may also be at risk of physical and sexual abuse. Minimum standards and operational guides for child participation define the responsibilities of organizations to protect participating children from harm. Thus, for each event or participatory process where children are involved, the adults in charge need to do a formal risk assessment based on clearly defined child safeguarding standards.

Children may be over-burdened by participating. Participation is a right rather than an obligation. Adults must ensure that children who are involved in public activities are not overburdened. Expectations have to be realistic and appropriate, based on children's capacities.

Younger children are marginalised in children's participation. Younger children are often marginalized or simply ignored by adults and by older children. Unless they are adequately supported by older adolescents and by adults, young children often find adolescents intimidating, and may hesitate to speak out in forums that include a wide age group.

4 The situation of child participation in South Africa

There have been a number of reviews of the status of child participation in South Africa and two common themes have emerged across these reviews. Firstly, that despite legislative developments which recognise the rights of children in decisions affecting them, there remains a gap between the intent and actual implementation and outcomes of the laws in question; and secondly, child participation has not been systematised as an obligatory state-funded democratic-prescribed process in all political and social spaces – it remains a largely ad hoc NGO-driven intervention (Moses, 2008) (Bray & Moses, March 2011) (Jamieson L, 2011).

4.1 National legislative framework

In South Africa the main legislation that provides a basis for protecting, respecting and promoting the right of children to participate in decisions that affect them are:

- The Constitution of the Republic of South Africa (Republic of South Africa, 1996) affords all people in South Africa with the rights to freedom of expression, association, peaceful assembly, access to information as well as the right to participate in public processes. It gives full recognition of children's rights at the very highest level⁹. In this sense, children – in theory at least – are treated as full participants in society and as legitimate rights-bearers. The Constitution however, despite according children a range of special rights, does not specifically refer to the right of children to participate in matters and decisions affecting their lives. The rights that the Constitution prioritises for children are more protection-oriented rights, which conceive of children as vulnerable citizens rather than as citizens with agency¹⁰.
- Other national legislation (see table below for an overview)

Table 1: Key Laws that give effect to the right to participation¹¹		
Context	Law	Specific Provisions
General	Children's Act 38 of 2005	Promotes children's right to participate in all matters affecting the child, subject to capacity.
Education	South African Schools Act 84 of 1996	<p>Contains inclusivity as an important principle in the Act:</p> <ul style="list-style-type: none"> • Learners must be consulted during the development of a code of conduct • Learners facing suspension have a right to present their views to the school governing body (SGB) • All public schools enrolling children in grade 8 or higher are required to: <ul style="list-style-type: none"> • have a representative council of learners; and • have learners from the eighth grade or higher as representatives on the SGB.
	National Education Policy Act 27 of 1996	Specifies that the Minister of Basic Education must consult with national organisations representing students on national education policy.
	Children's Act 38 of 2005	Requires anyone holding parental rights and responsibilities to consult children before taking major decisions that affect the child's education, e.g. changing schools.

Table I: Key Laws that give effect to the right to participation¹¹		
Context	Law	Specific Provisions
Health care medical procedures and treatment	Children's Act 38 of 2005	<p>Requires that children participate in decisions about health care procedures and gives them the power to consent at different ages:</p> <ul style="list-style-type: none"> • Medical treatment – from 12 years (if they are mature enough to understand the risks and benefits of the decision). • Surgical operations – from 12 (if they are mature enough to understand the decision and with guidance from their parents). • HIV testing and disclosure – from 12, or earlier (if they are mature enough to understand the decision). • Virginity testing and male circumcision – from 16. • Access to contraception – from 12
	Choice on Termination of Pregnancy Act 92 of 1996	Provides that a girl of any age can consent to an abortion, provided that the medical practitioner advises her to consult with her parents, guardian, family members or friends before the pregnancy is terminated. A termination cannot be denied because the child did not consult anyone.
	Prevention of the Treatment of Substance Abuse Act 70 of 2008	<ul style="list-style-type: none"> • Requires prevention and early intervention programme to include children in discussions to identify solutions to substance abuse problems. • Allows children to apply for voluntary admission to a child and youth care centre that offers a programme for substance abuse. However, it also allows parents to apply for admission of a child of any age. The Act provides no guidance on what should happen if there is a conflict between a parent and a child who is at least 12 and mature enough to understand the risks and benefits of the treatment. Yet such a child has the right to refuse treatment.
	National Health Act 61 of 2003	<ul style="list-style-type: none"> • Says children must be included in local health planning. • Requires that consent to research and experimentation of a child must be given by the parent and the child if the child is capable of understanding.
Marriage	Children's Act 38 of 2005	<ul style="list-style-type: none"> • Bans forced marriage and/or engagement, protects children's right to participate in decisions about marriage.

Table 1: Key Laws that give effect to the right to participation¹¹		
Context	Law	Specific Provisions
Adoption	Children's Act 38 of 2005	<ul style="list-style-type: none"> Requires that children over 10 years (or younger if they have the capacity) consent to their own adoption.
Justice	Child Justice Act 75 of 2008	<ul style="list-style-type: none"> Requires an individualised response to children in conflict with the law. Children's participation is a general principal of the Act: Children must be encouraged to participate in the assessment procedure and the preliminary inquiry.
Family law	Children's Act 38 of 2005	<ul style="list-style-type: none"> Requires that children must be consulted in all proceedings, actions or decisions in all family law matters concerning a child which include parents' responsibilities and rights to care, maintain contact, act as a guardian and contribute to the maintenance of their children, e.g. in divorce proceedings and in the drafting of parenting plans.
Social services	Children's Act 38 of 2005	<ul style="list-style-type: none"> Requires that children and youth care centres must have a children's forum and children on the management board. Says that children in a child-headed household must be consulted when the supervising adult makes any decision on the children's behalf. Gives children the right to participate in children's court inquiries.
Municipal services	Local Government Act 32 of 2000	<ul style="list-style-type: none"> Affords local communities the right to participate in the planning of municipal services. Children are part of the local community.
Democracy	National Youth Development Agency Act 54 of 2008	<ul style="list-style-type: none"> Requires that youth are included in all democratic decision-making processes and defines youth as people between the ages of 14 and 35.

4.2 Gaps in legislation

The most vulnerable are not included

The majority of laws governing children's participation, as well as the participatory processes that are followed, exclude the participation of pre-teen children and, indeed, many of the other most vulnerable groups of children in society, such as children with disabilities, children living in extreme poverty and children living on the street.

No formal systemic political participatory spaces and processes

Despite the progressive legal framework around children's rights and democratic processes, there are no formal systematised participatory processes to allow children's participation in all

policy and law reform processes. Thus, while there have been various child participation initiatives around the development of some policies and laws, including the Children's Act, the Child Labour Programme of Action and others, these have been adhoc, led by researchers, NGOs or the South African Law Reform Commission, arbitrary and limited in the number and representivity of the children reached

As a result, children's participation in policy processes has not been secured as a matter of right, but, instead, has depended on the discretion and willingness of relevant government departments to incorporate the views of children and "according to the decisions of researchers or advocates around the means of gathering and communicating children's perspectives".

4.3 Implementation gaps

The most significant policy and implementation gaps are discussed below.

Implementation is frustrated by lack of skills, knowledge and resources

The implementation of the law requiring children's participation – even for older children – is not implemented as prescribed. This is largely because of a lack of skills, resources and understanding of participatory processes, as well as adverse social and cultural attitudes among adult professionals and caregivers.

For example, in the health setting, medical professions and parents lack the skills and harbour social and cultural norms related to ill children that are inimical to the attitudes, knowledge and practices necessary to implement the provisions in the Children's Act related to children's informed consent (Bray & Moses, March 2011) (Kruger & Coetzee, 2011) (Moses, 2008)(Bray, 2011).

Likewise, in the educational setting, participation by learners in school governing bodies (SGBs) has not been meaningful. Instead, the routine lack of meaningful engagement with learners on SGBs has been criticised. Commentators conclude that, rather than promoting participatory democracy, "SGBs have turned into an exercise in marginalisation" (Bray & Moses, March 2011) (Pendlebury, 2011).

Cultural barriers to implementation

In Southern Africa, cultural practices and attitudes related to the status and role of children within the family and community inhibit the protection and promotion of children's participatory rights. Legislation alone is not sufficient to secure participation within the family and at a community, local and even national policy level. Advocacy, awareness-raising, parenting support and participatory processes at traditional, local and national political levels should foster an appreciation among traditional leaders, families and politicians of the value of children's participation and create participatory spaces for children within current traditional, local and national governance structures. Moreover, the development of participatory processes and laws should actively involve traditional communities, families and traditional leaders (Save the Children Sweden, 2010) (Martin & Mbambo, 2011).

Children's voices are not taken seriously

Where participation has taken place, children's views have not been taken seriously enough by politicians and policy-makers. This is evidenced by the common failure to act on inputs received from children through participatory processes and to provide children with feedback on the outcomes of their inputs (Bray & Moses, March 2011) (Nomdo & Roberts, 2011) (UNICEF South Africa, 2011).

No formal systemic political participatory spaces and processes

There is little engagement with children in the design and delivery of community services provided by national, provincial and local government or NGOs (Bray & Moses, March 2011). The reasons for the lack of engagement with children at a local level include not only adult and traditional authorities' attitudes and disregard for children's viewpoints in local governance issues, but also the perception among young people that involving themselves in matters of service delivery at local government level is a waste of time. The attitude in question appears to be caused by the disregard of children's views by adults and authority figures in this political domain, the perceived untrustworthiness of politicians, corruption and other factors shaping local governance that have made young people "cynical about the impact and benefits of participation" (Roodt & Stuurman, March 2011).

Lack of political commitment to children's participation

Many of the current gaps and challenges are caused by the lack of political commitment by politicians and government to children's participation. Child participation continues to be driven by researchers and NGOs, with little sustained political and budgetary commitment to institutionalising, scaling up and sustaining child participation as a recognised political participatory process. Government is not seen as being serious about, and is failing to pursue, a meaningful children's participation agenda. The current status of children's participation as an adhoc, less than meaningful intervention is shaped by the lack of commitment to children's participation (Bray & Moses, March 2011) (Save the Children Sweden, 2010) (UNICEF South Africa, 2011).

4.4 What needs to change to address these gaps?

A holistic and systematic response is required to address the full range of gaps mentioned above. There is a need to fund a national systemic child participatory framework which must be institutionalised at all levels of government – from national down to local level. This requires a wide range of policy, legislative, practice and budgeting provisions "which establish both entitlement and the opportunity to governments and others accountable to realise that entitlement" (Percy-Smith & Thomas, 2009).

The range of measures necessary to realise the systematisation of children's participation includes:

- The establishment of legal entitlements through laws governing access to courts, legal representation, the definition of parental responsibilities in family law and others. This would include legal provision for children to participate in local and national governance processes and also to ensure that children's rights to information, expression, association and peaceful assembly are guaranteed in law without discrimination;
- Systematic provisioning of information on rights for children through, for example, an obligation on the state to produce child-friendly policy documents open for public comment or introducing modules within the education system for children on their rights, how to participate and how to influence public and school governance. This is because Children cannot exercise their rights unless they have access to information in a format that they can easily use and understand;
- Sensitisation and awareness raising of adults through professional training and parenting education programmes. The focus should be to sensitise and educate them about children's participation rights and their positive implications. Indeed, participation necessitates work with adults as much as with children. This involves providing specific training to build the capacity of professionals working with and for children, as well as sensitising parents, the media, and other influential groups.

- Systematic mechanisms for influencing public decisions at all levels through, for example, the development of child-friendly and collaborative public services, support for child-led organisations, peer education, access to the media, community mobilisation, child representation on local and national policy-making bodies and routine access to government to facilitate on-going policy dialogue;
- Improving the quality of programmes or initiatives to promote children’s participation. This includes promoting practices that are ethical, child-sensitive, relevant, inclusive, safe, well supported, and understood in the context of children’s families and communities.
- Mechanisms for remedy and redress to enable children to challenge transgressions of their participatory rights (Percy-Smith & Thomas, 2009) (Committee on the Rights of the Child, 2006).

5 Guiding principles of child participation

The Best Interest of the Child is paramount in any participatory work with children to ensure that it is ethical, safe and meaningful. To guide us in meeting the best interests of the child there are a set of basic requirements that have been agreed internationally that need to be complied with. These requirements have been elaborated in the General Comment on Article 12 produced by the Committee on the Rights of the Child (CRC) which is the body of 18 Independent experts that monitors implementation of the Convention on the Rights of the Child by its State parties

The principles were also shared and discussed with the Children’s Consultation Workshop held in Pretoria in March 2018 and their ‘voices’ are captured in the boxes below each principle.

5.1 Transparent and informative

“The child shall have the right to freedom of expression; this right shall include freedom to seek, receive and impart information and ideas of all kinds, regardless of frontiers, either orally, in writing or in print, in the form of art, or through any other media of the child’s choice”, (UNCRC Article 13)

“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”, (UNCRC Article 17)

Children must be provided with full, accessible, diversity-sensitive and age-appropriate information about their right to express their views freely and for their views to be given due weight. The information should also tell the children how this participation will take place, its scope, purpose and potential impact.

CHILDREN'S VOICES

What does this principle mean?

Transparent means clear information and that nothing has been hidden and understanding each other. The information should be communicated with children so that it is clear and nothing should be hidden. Informative means that adults need to consult with children to give them an opportunity to express their views.

What should adults do to fulfil this principle?

They need to use simple, clear and precise language to communicate any information with the children.

They must give explicit information.

They must involve children and respect their views- this goes without saying.

Lastly, they need to ensure the implementation of their views.

What should children do to fulfil this principle?

Children need to take a lead and take the initiative to go out there and look for information that can be used on issues that affect them and others. They should also report all uncomfortable events - don't withhold information that they feel needs to be told to adults and/or authorities.

5.2 Voluntary

UNCRC Article 12 states that every child has the “right to express those views freely”

Children should never be coerced into expressing views against their wishes and they should be informed that they can cease involvement at any stage.

CHILDREN'S VOICES

What does this principle mean?

Voluntary means taking part in any action without being forced by anyone or anything. To them this means children taking independent action voluntarily towards achieving common goals.

What should adults do to fulfil this principle?

They must 'walk the walk' and 'talk the talk' with their children. They must support their children to volunteer in anything without forcing them to do so.

What should children do to fulfil this principle?

Children should gather information from the libraries and internet to uplift and better the situations in their community.

5.3 Respectful

UNCRC Article 12 states that the views of the child must be “given due weight in accordance with the age and maturity of the child”

Children’s views must be treated with respect and children should be provided with opportunities to initiate ideas and activities. Adults working with children should acknowledge, respect and build on good examples of children’s participation, for instance, in their contributions to the family, school, culture and the work environment.

CHILDREN’S VOICES

What does this principle mean?

Respect is the first step to changing the world, and respect is two ways - both adults and children need to respect each other. They both need to know that respect is earned.

What should adults do to fulfil this principle?

Adults should give children respect to be respected back.

What should children do to fulfil this principle?

Children need to be grateful and show gratitude to the respect they get from their parents. They also need to be self-dependent and not easily get influenced by others.

5.4 Relevant

UNCRC Article 12 applies to every child “capable of forming his or her own views”

Opportunities must be available for children to express their views on issues of real relevance to their lives and enable them to draw on their knowledge, skills and abilities. Children’s participation should build on their personal knowledge – the information and insights that children have about their own lives, their communities and the issues that affect them.

CHILDREN’S VOICES

What does this principle mean?

This means that children should be given opportunities to express their views on issues that are relevant to their lives for example on recreational parks.

What should adults do to fulfil this principle?

Adults should give children a chance to express themselves on issues relevant to them, and they must learn to listen to them. Adults should also be educated on child participation.

What should children do to fulfil this principle?

Children should actively take part in initiatives that are relevant to them. They should implement and share information.

5.5 Facilitated with child-friendly environments and working methods

“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 capacities of the child, appropriate direction and guidance in the exercise by the child of the rights recognized in the present Convention”, (UNCRC Article 5)

The approaches to working with children should be adapted to their capacities. Adequate time and resources should be made available to ensure that children are adequately prepared and that they have the confidence and opportunity to contribute their views. The children will need differing levels of support and forms of involvement according to their age and evolving capacities.

CHILDREN’S VOICES

What does this principle mean?

We believe that initiatives that involve children’s participation should be child-friendly. For example with the use of language - the language used in the presence of children should be easy for children to understand. The way the content is presented should be easier for children especially for younger children so they can relate to the information. Don’t use words which children cannot understand. For example, use ‘explain’ instead of ‘elaborate’

What should adults do to fulfil this principle?

Respect children’s opinion.

Use child-friendly language and grammar- communication is key!

Do not underestimate the power of the child

What should children do to fulfil this principle?

Engage in activities

Communicate when they feel that the environment is not friendly to them

5.6 Inclusive

“States Parties shall take all appropriate measures to ensure that the child is protected against all forms of discrimination or punishment on the basis of the status, activities, expressed opinions, or beliefs of the child’s parents, legal guardians, or family members”, (UNCRC Article 2)

Participation must be inclusive, avoid existing patterns of discrimination and encourage opportunities for marginalized children to be involved. Children are not a homogeneous group and participation needs to provide for equality of opportunity for all, without discrimination on any grounds. It needs to be culturally sensitive to children from all communities.

CHILDREN'S VOICES

What does this principle mean?

This principle means that children must not be excluded from anything that involves them and adults cannot make decisions about them without them.

What should adults do to fulfil this principle?

Allow children to make their own choices

Include them in decision making

Be a support system to children and provide proper information to children before getting to a conclusion.

What should children do to fulfil this principle?

Involve themselves in all issues that affect them and other children too for example disabled and younger children. Also, participate in activities when invited.

5.7 Supported by training

States Parties shall undertake all appropriate legislative, administrative, and other measures for the implementation of the rights recognized in the present Convention. With regard to economic, social and cultural rights, States Parties shall undertake such measures to the maximum extent of their available resources and, where needed, within the framework of international co-operation, (UNCRC Article 4)

"In all actions concerning children, whether undertaken by public or private social welfare institutions, courts of law, administrative authorities or legislative bodies, the best interests of the child shall be a primary consideration", (UNCRC Article 3)

Adults need preparation, skills and support to facilitate children's participation effectively. The support needs to provide them, for example, with skills in listening and working jointly with children. They must be able to engage children effectively in accordance with their evolving capacities. Children themselves can be involved as trainers and facilitators on how to promote effective participation. They may also need training and support.

CHILDREN'S VOICES

What does this principle mean?

This principle means that for parents to have full cooperation they need to be supported by training.

What should adults do to fulfil this principle?

Adults need to avail themselves for training.

Adults should be the positive role models, and they must participate to the maximum.

Parents need to be there to support the children but they also need to be trained to do so.

What should children do to fulfil this principle?

There should be peer education amongst children through social clubs. Children should also educate parents, and ask them to avail themselves for training and workshops.

5.8 Safe and sensitive to risk

“States Parties shall take all appropriate legislative, administrative, social and educational measures to protect the child from all forms of physical or mental violence, injury or abuse, neglect or negligent treatment, maltreatment or exploitation, including sexual abuse, while in the care of parent(s), legal guardian(s) or any other person who has the care of the child”, (UNCRC Article 19)

In certain situations, the expression of views may involve risks. Adults have a responsibility towards the children with whom they work. They must take every precaution to minimize the risk to children of violence, exploitation or any other negative consequence of their participation. Action necessary to provide appropriate protection will include the development of a clear child-protection strategy. This must recognize the particular risks faced by some groups of children and the extra barriers they face in obtaining help. Children must be aware of their right to be protected and where to go for help if necessary.

CHILDREN’S VOICES

What does this principle mean?

This principle means that while children are participating in activities their safety needs to be ensured and they must not be exposed to risk. Adults must be responsible and make the world a safer place for children.

What should adults do to fulfil this principle?

Adults need to monitor activities to ensure that children are not exposed to danger.

They must be professional and provide the basic needs.

Develop a relationship and connect with children.

What should children do to fulfil this principle?

Children should be aware of their right to be protected and they should know where to go for help. They must not be scared to approach social workers and they must listen to parents and respect them - allow themselves to be the hand and parents to be the glove.

5.9 Accountable

Children must be informed as to how their views have been interpreted and used and, where necessary, they must be provided with the opportunity to challenge and influence the analysis of the findings. Children are also entitled to be provided with clear feedback on how their participation has influenced any outcomes. M&E of children’s participation needs to be undertaken, where possible, with the children themselves.

CHILDREN'S VOICES

What does this principle mean?

This principle means that everyone should take responsibility for their action

What should adults do to fulfil this principle?

Adults should answer children's questions and if needed provide them with proof or feedback. They should also give children an opportunity to express their opinions prior to feedback.

What should children do to fulfil this principle?

Children must, without any intervention from adults, be able to evaluate the progress of activities/initiatives that involve them.

6 Child participation in different settings

Research and practice affirm that 'effective' child participation can be highly specific to the setting or context within which the activities take place. The characteristics of each context may influence the way and the extent to which children are able to get involved in decision-making processes and to affect matters concerning them.

The settings in which children are entitled to have a voice in decisions that affect their lives, include in the household and family, school setting, child protection, courts, health setting, community or local government setting and national policy level setting. The section that follows contains the guidelines for practice in each of these settings.

6.1 Guidelines for household and family setting

Introduction

The family is the ideal framework for the first participatory experiences for children. It can provide the opportunity for children to learn to express their views in a safe and supportive environment where they feel valued and respected. It offers preparation for child participation in the wider society.

The family is therefore critically important for creating a participatory environment for the child. Such an approach to parenting serves to promote individual development, enhance family relations, support children's socialisation and play a preventive role against all forms of violence and abuse in the home and family. However, the experience of children in many families throughout the world is of a very different nature. More common is an assumption of a hierarchical relationship where children are expected to obey, be quiet, accept and acquiesce to parental authority.

Article 5 of the UNCRC recognises the rights and responsibilities of parents, or other legal guardians, to provide appropriate direction and guidance to their children, but emphasises that this is to enable the child to exercise his or her rights, and requires that the direction and guidance be undertaken in a manner consistent with the evolving capacities of children. In other words, as children acquire capacities, so they are entitled to take an increasing level of responsibility for the decisions that affect them.

Guidelines for promoting child participation in decision making in family setting

- Raise awareness among adults and children about children's right to express their opinions and its implications for children to be involved in decisions.
Undertake education and preparation for parenthood and promote more democratic forms of communication between children and adults through, for example, intergenerational dialogues.
- There are misconceptions about children's rights and the practice of child participation which leads caregivers to feel powerless and therefore resist the participation of children in decision-making. To promote participation, educational interventions should be devised to assist caregivers in understanding the children's rights and responsibilities and the importance of participation – at present many caregivers simply see this as a threat to their traditional parental authority. Particularly if South Africa is to confirm to its obligations in terms of the Convention on the Rights of the Child and ban corporal punishment in the home as well as at schools and in the justice system, it is important to conduct educational interventions that present alternatives to authoritarian parenting styles and the use of corporal punishment.
- Cultural norms around child-parent interactions and gender stereotypes will need to be addressed to promote participation.
- Give support and guidance to parents, legal guardians and caregivers including those in child-headed households, in the performance of their child-rearing responsibilities. This would involve education and counselling that offers support to parents and other family members, to encourage positive and sensitive relationships with young children and to enhance understanding of children's rights and best interests. Such programmes should build on existing positive behaviours and attitudes, and disseminate information on the rights enshrined in the Convention.
- Parent programmes need to involve both fathers and mothers, and address:
 - promoting respectful relationships between parents and children – often a challenge as there are longstanding assumptions in most cultures that children should respect their parents, but it is far less common to see recognition of the importance of respecting children
 - involving children in decision-making
 - the implications of giving due weight to the views of every family member, including children
 - understanding, promoting and respecting children's evolving capacities, age and maturity and stage of development
 - dealing with conflicting views within the family
 - the principle that girls and boys have equal right to express views.
- Supporting children to express themselves starts from birth. Newborn babies are able to express themselves through sounds, facial expressions and body movements. Even at this young age babies will discover whether their parents and carers are responsive to their expressions. Parenting and childcare practices have a large impact on children's communication skills and styles. In many societies children are expected to be quiet in the presence of adults. Their views

are not considered important or relevant. In such environments, children's right to expression challenges adult authority. As parents become more comfortable listening to children, they discover the joys of communicating even with very young children. Education and preparation for parenthood promote more democratic forms of communication between children and adults.

- Address parental or caregiver concerns about involving children in decisions. The box below provides some guidance on how to challenge some of these concerns.

ADDRESSING PARENTAL/CAREGIVER CONCERNS ABOUT INVOLVING CHILDREN IN DECISIONS

Children should not be burdened by unnecessary responsibility or information

No child should be burdened with more information than they can cope with or understand. But children do like to know what is happening and why. If events that affect them (such as parental conflict or the death of someone close) are not talked about, children may fill in the gaps in their knowledge with imaginings more worrying or frightening than the reality. Or they may blame themselves for events which they are not responsible for. Parents need to work out how much children need to know and how to explain it in ways they can understand. Young children often need to be shown things as well as being told about them.

It takes more time

It is much easier, in the short term, to decide things for children. But without their involvement, parents might get things wrong. And they will deny children the chance to think things through for themselves, weigh up pros and cons, and begin to take responsibility for their actions.

They might choose an option that makes them unhappy or puts them in danger. Parents need to remember that they still have parental responsibility to protect their child from harm and to promote their wellbeing, so if they can see that something will definitely be bad for their child, they can say "no". But they can protect the child from their own mistakes in a way that involves the child. Parents can help children out if they find they are unhappy with a decision they have made, or change their mind. Part of learning is about making mistakes and finding out how to recover from them, and discovering what they have taught us.

Children may make decisions/express opinions that challenge existing norms and practice

Children will often challenge their parents' views, values and beliefs as well as those of the wider society, as a part of growing up and testing out their own ideas and thoughts. Creating a space where children can explore their opinions with parents provides the opportunity to help children think through those opinions safely and with parental support and guidance. Denying that space can be counter-productive: it can serve to strengthen children's desire to hold challenging views, and means that children are more likely to test them out secretly and without the knowledge and guidance of parents.

Children might make a 'wasteful' decision

Children often make choices that their parents feel are unwise or foolish – such as choosing a toy that falls apart or that they hardly ever play with. But parents can help children learn from their mistakes in order to avoid repeating them, and guide children towards wise choices.

They might want something they cannot have

Children might want their parents to stay together rather than separate, or to stay put when their parents have to move because of work. Even if children cannot have what they want, they do like to be consulted

and to be told what decision has been made and why. There is a great deal of research evidence which shows that children feel “We still felt better for being listened to.”

If they have their say, they’ll expect to have their way

Parents will need to be clear about which decisions they are prepared to negotiate, and which they are not. They will continue to make some decisions for children – in their best interests. They will let children make some decisions for themselves. And there will be some decisions that parents will negotiate with their children, reaching a compromise that takes into account all of their concerns. At any rate, it is important that parents let the child know the reasons why they came to a particular decision.

6.2 Guidelines for school setting

Introduction

Education policy and legislation in South Africa specifies the obligation to consult children in the development of school codes of conduct, disciplinary matters, school governance, education policies and family-level education decisions (Department of Education, Act No. 27 of 1996) (Department of Education, Act No. 84 of 1996) (Republic of South Africa, Act No. 38 of 2005, as amended).

Children have the right to be involved in education decisions, such as choosing a school with their parents. Involving children in the choice of learning content, and in the selection and development of learning materials, ensures that the curriculum is relevant to children’s lives.

Student associations and student councils offer opportunities for student representation and participation in school management and planning. School services will benefit if they are informed by children’s opinions and concerns. Learner participation in school governance can assist in identifying problems and solutions because the learners have unique knowledge and perceptions of their schools, and about learning, teaching and schooling. Moreover, learner participation in decision-making processes yields positive effects for the child regarding: life skills, behaviour, self-esteem, developing democratic skills and concepts of citizenship, and tolerance for others.

The Schools Act provides for the election of a School Governing Body, comprised of the principal, elected representatives of parents, teachers, non-teaching staff, and learners in grade 8 -12. The Act also provides for the election of a Representative Council of Learners (RCL) be established at every public school, composed of learners in grade 8 -12, with two learners elected to serve on the School Governing Body. The Representative Council of Learners is the only recognised and legitimate representative learner body at public schools and has demanding responsibilities and duties. The elected Learners have full voting rights on the SGB, however, they may not vote on resolutions that impose liabilities on third parties or on the school because they are minors.

Guidelines for participation of children in individual decisions affecting their education

- When decisions are made about a child’s education – for example, to hold the child back for a year, or to place her or him in a particular stream or setting – the child should have the right to be heard before the final decision is made. For children with disabilities, the decision should take into consideration the size of the school as well as the disability of the child concerned.
- The right of a child to be heard must also be respected when a decision is made to exclude her or him from school or to impose any other form of disciplinary measure.

- In all these circumstances, the decision must be subject to judicial or administrative review if the child wishes to challenge it.
- The child will need to have information about how to challenge the decision, where to go for help and who can support her or him through that process.

Guidelines for participation of children in school governance

- Forums for student participation should use venues and methods of communication that children feel comfortable with, rather than those that teachers prefer.
- School policy documents and guidelines within the school must be written in a child friendly language and accessible to children.
- Younger children should also be able to participate. It is not uncommon for student-participation forums to privilege older children, who do not necessarily foster the participation of younger children.
- For RCL structures to flourish they require:
 - An attitude change on the part of adults that will accommodate an acceptance of the role of learners in decision-making processes;
 - Adults must respect learners and take their views into account;
 - Adults at schools, School Governing Bodies, and School staff must take the role of the RCL seriously;
 - There is a need for more formal support by Department of Education in terms of training adults and RCL members about their roles and responsibilities on these committees. Adults and learners need guidance on how to interact collaboratively with various school stakeholders to accomplish school goals and they should be trained on child participation;
 - There is a need for more formal support in terms of training adults and RCL members at the school on how to convey the importance of the RCL structure to the broader learner body.

The following indicators, among others, can be used to assess whether an RCL can fulfil its role in representing learners and in expanding opportunities for meaningful dialogue and action:

- Does the RCL have a constitution and a code of conduct for its members?
 - Does the RCL have a copy of the SGB constitution and do its members understand the functions and procedures of the SGB?
 - Does the RCL have a copy of the school's code of conduct for learners?
 - Does the RCL make use of sub-committees and co-opted members to share work and extend opportunities for learners to participate?
 - Is the RCL membership representative of diverse groups of learners?
 - Does the RCL have effective channels of communication with the full body of learners as well as the SGB?
 - Does the school, and its SGB, support learners' participation by providing timely information in a learner-friendly format?
- A range of opportunities and platforms for child participation should be made available in the school setting. Some of these include:
 - as peer educators, and mentors for younger children
 - as GEM/BEM club members
 - in advising on issues such as design of schools and playgrounds
 - in helping develop, and providing feedback and evaluation on, teaching methods and the curriculum – here the education curricula should include a space for children to learn their rights, including their right to take civic action and participate in public decision-making, and also to help them develop their self-confidence and skills to speak out and engage etc.
 - as mediators helping resolve conflicts
 - in recruitment and appraisal of teachers
 - in providing guidance on strategies to eliminate discrimination, bullying or corporal punishment in schools
 - in making the curriculum more relevant to children's reality.

A rights-based child-friendly school

The child-friendly schools approach, now being adopted in many countries, provides a positive example of caring, protective and participatory environments that prepare children for active citizenship within their communities. Such a school has the following characteristics:

- 1. Reflects and realises the rights of every child** - cooperates with other partners to promote and monitor the well-being and rights of all children; defends and protects all children from abuse and harm (as a sanctuary), both inside and outside the school
- 2. Sees and understands the whole child, in a broad context** - is concerned with what happens to children before they enter the system (e.g., their readiness for school in terms of health and nutritional status, social and linguistic skills), and once they have left the classroom - back in their homes, the community, and the workplace
- 3. Is child-centred** - encourages participation, creativity, self-esteem, and psycho-social well-being; promotes a structured, child-centred curriculum and teaching-learning methods appropriate to the child's developmental level, abilities, and learning style; and considers the needs of children over the needs of the other actors in the system
- 4. Is gender-sensitive and girl-friendly** - promotes parity in the enrolment and achievement of girls and boys; reduces constraints to constraints to gender equity and eliminates gender stereotypes; provides facilities, curricula, and learning processes welcoming to girls
- 5. Promotes quality learning outcomes** - encourages children to think critically, ask questions, express their opinions - and learn how to learn; helps children master the essential enabling skills of writing, reading, speaking, listening, and mathematics and the general knowledge and skills required for living in the new century - including useful traditional knowledge and the values of peace, democracy, and the acceptance of diversity
- 6. Provides education based on the reality of children's lives** - ensures that curricular content responds to the learning needs of individual children as well as to the general objectives of the education system and the local context and traditional knowledge of families and the community
- 7. Is flexible and responds to diversity** - meets differing circumstances and needs of children (e.g., as determined by gender, culture, social class, ability level)
- 8. Acts to ensure inclusion, respect, and equality of opportunity for all children** - does not stereotype, exclude, or discriminate on the basis of difference
- 9. Promotes mental and physical health** provides emotional support , encourages healthy behaviours and practices, and guarantees a hygienic, safe, secure, and joyful environment
- 10. Provides education that is affordable and accessible** - especially to children and families most at-risk
- 11. Enhances teacher capacity, morale, commitment, and status** - ensures that its teachers have sufficient pre-service training, in-service support and professional development, status, and income
- 12. Is family focused** - attempts to work with and strengthen families and helps children, parents and teachers establish harmonious, collaborative partnerships
- 13. Is community-based** - strengthens school governance through a decentralised, community-based approach; encourages parents, local government, community organisations, and other institutions of civil society to participate in the management as well as the financing of education; promotes community partnerships and networks focused on the rights and well-being of children

6.3 Guidelines for administrative and judicial proceedings

Introduction

Children are often coming into contact with the judicial system both in terms of civil and criminal matters. This includes children who are seeking redress from exploitation, abuse and victimization; children who need to claim inheritance; children who need to claim entitlements; children of caregivers who are going through separation or divorce proceedings; children who are placed in alternative care; children who are being adopted; children who are in conflict with the law; children who are going through immigration and asylum proceedings. It is important that children's views are heard in judicial proceedings affecting them; they have access to child friendly proceedings; they have access to child sensitive legal aid services; and that mechanisms are established for consulting and assessing children.

The responsibility to listen to and take seriously what children have to say needs to be understood by those involved in judicial and administrative proceedings including the judges and magistrates, the prosecutors, the probation officers, lawyers, court preparation officers, social workers and parents. For example in civil proceedings courts making decisions about children, e.g. in divorce, adoption or care proceedings, must take the views of children seriously. A child has the right to participate and express his/her view which must be given due consideration. Where parents make informal agreements about their parental responsibilities and rights children's views should be considered. In making decisions affecting the child the child should be able to challenge arrangements and or decisions and should be provided with legal representation to enable them to make their views known to the courts.

Children's participation in judicial proceedings in South Africa are predominately regulated in the Constitution of the Republic of South Africa (Act No 108 of 1996), the Children's Act (No. 35 of 2005), the Child Justice Act (Act no 75 of 2008). Often children are heard via legal representation. This can be a separate legal representative for a child or a special appointed curator ad litem (in cases where the child does not have a parent or guardian or where the best interest of the child is in conflict with parents or guardians).

In matters where disputes arise in relation to parental responsibilities and rights which include divorce matters a Family Advocate is appointed to assist the court in a recommendation on the best interest of the child in such matters. The Office of the Family Advocate will ensure that the child participates in an appropriate way and that the expressed views of the child are given due consideration.¹² The Office of the Family Advocate's main focus is to assist in alternative dispute resolution mechanisms to support parties to agree on the exercising of their parental responsibilities and rights. In such agreements the child participates and their views are considered.

Guidelines for participation of children in all administrative and judicial proceedings²⁹

- Prepare children by providing them with accessible information about:
 - their role in the hearing, including their rights at each stage, the support they can be given, how they can participate, and how their views will be considered
 - the practical arrangements such as when the hearing will take place, and where, how long it will last, who will be there, what protection he or she will be provided with, and when and how decisions will be made
- Ensure that the child can be heard effectively in the hearing by the introduction of legal rights which are properly implemented
- Create child-friendly, safe and accessible environment. Special attention should be provided for children with disabilities as they might have special needs. Sign language, braille and correct means of augmentative and alternative communication need to be included. Norms and standards of child friendly safe and accessible courts should be developed.

- Assess the capacity (age, maturity and stage of development) by considering whether the child is able to form a view of the issues being addressed and, if so, what weight must be attached to those views. Special attention should be given for the correct assessment of children with disabilities. In general, there should be a presumption in favour of the child’s capacity
- Ensure feedback to the child so that she or he knows exactly what decisions have been made and why
- The child should be informed about the process going forward including the right to appeal where applicable.
- The child must participate in evaluating how they participated
- Provide mechanisms for the child to make a complaint, or seek a remedy or redress if her or his right to be heard has not been properly implemented
- When a child decides not to participate in administrative and judicial proceedings the reasons should be recorded
- Ensure that judicial officers are capacitated to ensure child participation in administrative and judicial proceedings.

Guidelines for participation of children in specific proceedings³⁰

- According to Section 31 in the Children’s Act “before a person holding parental responsibilities and rights in respect of a child takes any decision contemplated in paragraph (b) involving the child, that person must give due consideration to any views and wishes expressed by the child, bearing in mind the child’s age, maturity and stage of development”¹⁵. Hence no orders are made concerning a child capable of forming a view, without finding out the views of that child.
- When separating a child from her or his parents – measures must be taken to ensure that the child has the right to be heard throughout the process of assessment, separation and placement, is involved in the drawing up of plans for her or his future, and has access to representation when required.

Child participation in parental conflict inclusive of separation and divorce: According to Regulation 8

8. (3) (a) Due consideration must be given to the views and wishes of the child or children in the development of any parental responsibilities and rights agreement, bearing in mind the child's or children's age, maturity and stage of development.
8. (3) (b) bearing in mind the child's or children's age, maturity, stage of development, such child or children must be informed of the contents of the parental responsibilities and rights agreement by the family advocate, the children's court, the High Court, a social worker, social service professional, psychologist or the child's or children's legal representative.
8. (4) Where a child or children referred to in sub-regulation (3) in respect of whom a parental responsibilities and rights agreement is concluded is or are not in agreement with the contents of the agreement, this should be recorded on the agreement, and the matter referred for mediation by a family advocate, social worker, social service professional or other suitable qualified person.

Child participation in parental conflict inclusive of separation and divorce: According to Regulation 11(1) and (2)

- 11.(1) Bearing in mind the child's age, maturity and stage of development, such a child must be consulted during the development of a parenting plan, and granted an opportunity to express his or her views, which must be accorded due consideration.
- 11.(2) When a parenting plan has been agreed the child must, bearing in mind the child's age, maturity and stage of development, be informed of the contents of the parenting plan by the family advocate, a social worker, social service professional, psychologist, suitably qualified person or the child's legal representative.

- In adoption— a child who is capable of forming a view must give consent to the adoption, and no child should be adopted against his or her wishes.
- When the child is accused of an offence – According to the Child Justice Act 75 of 2008 the child must be informed of charges, be properly represented at all stages, and be able to appeal against any decision. The proceedings must be child friendly and conducted in privacy to enable the child to feel confident in expressing his or her views. The Child Justice Act 75 of 2008 requires an assessment of the child by a probation officer and encourages the child's participation in the preliminary inquiry where decisions affecting him/her are taken.
- When the child is a witness to an offence – the child should, wherever possible, be enabled to give evidence in order to hold perpetrators to account. To reduce the trauma and stress in doing so, measures must be put in place to create safe and accessible court environments including protection for the child during the hearing, rules governing cross-examination, avoidance of repeated testimonies, use of video recording and screens. The child should be assisted through an intermediary during the proceedings. Special attention should be provided for the collection of evidence in cases where a child has been sexually abused. Effective measures should be introduced to assess the capacity of the child to give evidence.
- In immigration and asylum proceedings – the child should have access to interpretation, to an adviser or guardian to help them through the process, to information about their rights, and to privacy and confidentiality to enable them to speak without fear.

6.4 Guidelines for health setting

Introduction

The Alma Ata declaration of 1978 called for the active participation of communities and individuals in the planning and decisions pertaining to their health. Children are also service users and as such should be expected to enjoy from similar rights as other patients in terms of playing an active part in their health. In South Africa, the Children's Act No 38 of 2005 in section 129-134 provides standards for children participation in their health. The main areas of participation identified are around **access to information, decision-making and consent and confidentiality of medical treatment**. Children participation in health has far reaching benefits as it makes children confident, improves their adherence and acceptance to treatments and increases their understanding to their medical condition. However, there are certain challenges when ensuring child participation in health, especially when trying to find a balance between providing space for children's participation in decision making while ensuring that medical decision respond to the best interest of the child. This issue is further complicated because decisions related to children's health depend on a three level relationship between health care providers, parents/caretakers/caregiver/guardian and children. Ideally, this relationship should be based on egalitarian principles, where children opinions are given equal weight as parents/caretakers and health care providers opinions

Children participation in health should therefore be based on a balanced relationship between children, health care providers and their caretakers/guardian. Children should be empowered to be active participants in the decisions pertaining to their health, but this only can happen if both health care providers and caretakers provide relevant and reliable information to children. In addition to this, it is also important that after having received the relevant information, children are also given the space to voice their opinions and be part of decision making processes. The South African Child Act stipulates that decision-making around health should be limited to children age 12 and above, and who are capacitated to understand the risks and benefits of such decisions. An age limit provides a set boundary and guideline for health professionals. However, it should be emphasize that all children, regardless of their age, have the right to be part of decision-making processes.

Assessing children's capacity to participate in their health

Assessing capacity to give informed consent to treatment can be done with reference to the following criteria.

A child could be said to have capacity when he or she understands:

- The type and purpose of the proposed treatment
- The nature and effects of the treatment in broad terms
- The principal benefits and risks
- The consequences of not receiving treatment.

Guidelines for children decision-making in health

- Health care providers should be trained and follow guidelines to engage children in decision-making process in health settings
The training should help health workers improve their capacity to communicate with children and to facilitate the equal engagement between health care workers, parents/caretakers and children.

- It is important that health care providers engage in honest and truthful conversation with children about their health condition so they can build awareness around the risks, benefits of their medical treatment. Providing information to children can help children make informed decisions around their health and/or understand the depth of decisions made on their behalf.
- Health care providers should make information accessible to children by speaking to them according to their age, avoiding complicated terminology and, when possible, communicating in the child's language. Health care providers could also use alternative methods of communication such as drawings and toys to transfer information.

Parents should be involved in decision-making processes and they should support health care providers to share information with children. Moreover, parents should encourage their children to voice their concerns and expectations and should openly discuss the options and decisions made on their behalf – in cases where children are under the age of 12 or incapacitated to make a decision.

- Parents should be trained in how to ensure child participation.
- Children must be heard and their opinions and feelings regarding their treatment should be taken seriously. Children should be asked about their preferences and if required, treatment should be delayed if a child is unsure or afraid about the treatment provided. It is important that children are explained and understand the implication of their decision.
- In South Africa, a child aged 12 and above can make decisions about their medical treatment, however, health care providers and parents must assess and ensure that a child is capable of making decisions to their best interest.
 - If a decision is made without the children involvement, they need to be informed about the reasons why the treatment was undertaken.
 - Treatment without children engagement should only take place if the child is incapacitated to voice their opinion due to illness, injury or other condition.
- The health care facility should have disability facilities. Sign language interpreters should be available.
- Health care information/publications should be available in child-friendly versions.

Guidelines for children's confidentiality

- Children should have the right to access confidential health care services and counseling without parental consent. Health care providers have the responsibility to report to relevant authorities if children are at risk of harm. In this way the health provider puts priority on child best interest.
 - Disclosure of child's information without children's consent must only occur under life-threatening circumstances.

CHILD PARTICIPATION IN SEXUAL AND REPRODUCTIVE HEALTH AND HIV SETTINGS

Children should participate in their sexual and reproductive health:

In South Africa, the Child Act states that children can actively participate in their health, including sexual and reproductive health (SRH). Children under the age of 12 have the right to access to SRH services without the consent of their parents; and children over the age of 12 shouldn't be denied the access to condoms and contraceptives. SRH services should be provided confidentially to ensure children's right to privacy. However, it is the responsibility of the health care provider to speak and report cases to relevant authorities if signs of abuse and violence are present in the child. This is to ensure that the best interest of the child is prioritized.

Abortion services can be accessed without parental consent:

The Choice on Termination of Pregnancy Act of 1996 states that a girl of any age can consent to abortion services, provided that the medical practitioner advises her to consult with her parents/caretakers. However, a girl should be granted access to abortion services even without parental consultation. Therefore, health professionals need to ensure the confidentiality of the child and services need to be accessible upon a child's request regardless of their age. This ensures the child has a safe space where they can actively participate in decisions concerning their bodies and their future.

Testing, treatment and disclosure of HIV in children:

HIV testing in children according to the Child Act of 2005 should only take place to the best interest of the child. This includes cases of babies of HIV positive mothers, survivors of sexual assault, and children exposed to bodily fluids of a HIV positive person. Children above 12 years need to consent to HIV testing and children below this age threshold require parental consent. Finally, if the child was tested positive for HIV at an early age, parents/caretakers and health providers are obligated to disclose the HIV status to the child.

Enabling spaces of participation

To ensure the active participation of children in their sexual and reproductive health, spaces providing services should ensure confidentiality and access for children. Youth friendly clinics and strategies such as peer support groups can help build spaces where children can engage in SRH discussions, access to information and relevant services. These spaces should be created and designed with the input of children.

6.5 Guidelines for children's involvement in child protection: alternative care setting

Introduction

Children who are placed away from home in alternative care need specific measures in place to ensure that their voices are heard and taken seriously. This is specifically true for children living in institutions or foster care as they are particularly vulnerable when their views are not listened to or taken seriously. These institutions are required to ensure that all the actions they take are in the best interests of the children they care for. It is not possible to represent the best interests of children without taking account of their experiences, concerns and preferences.

Guidelines for child participation in individual decision making

- Mechanisms must be introduced to ensure that children in all forms of alternative care, including in institutions, are able to express their views and have them given due weight in matters affecting their daily lives.
- Measures that can be put in place to ensure the right of children to be heard in alternative care include the following:

Legal right to be involved in individual decisions relating to all aspects of the care system: Children must be provided with guarantees that their voices will be heard. This should have a basis in law, rather than just in guidance or institutional procedure manuals.

- The scope of the right to be heard should extend to all aspects of their care including: when and where they are placed; who they have contact with, and the frequency and nature of that contact; plans being made concerning their future; review processes; issues arising on a day-to-day basis concerning their care.
- In order to be able to express informed views, children must be provided with information about any proposed placement, care and/or treatment plan, the options available and the implications of any proposed action.
- Information must be provided in a form that is consistent with the child's evolving capacities, and she or he must be given time to consider the information and ask questions, before being expected to respond to any proposed decisions. Provision should be made for the evolving capacities of particular groups of children such as those who are intellectually challenged or have a chronic illness.
- Children need access to independent and safe complaints mechanisms without fear of punishment or retribution.
- Information about the procedures and how to use them should be readily accessible to all children in care. They need to know who they can make a complaint to.
- The establishment of a well-trained and independent inspectorate is necessary, to monitor compliance with the rules and regulations governing the provision of care, protection or treatment of children in accordance with the obligations under Article 3.
- An independent monitoring body, such as a children's ombudsperson or commissioner, is needed, with powers to undertake investigations, and make unannounced visits to residential facilities and institutions (including those for children in conflict with the law) to listen to children in private, and recommend specific actions to respond to these views.

The South African Human Rights Commission: Children's Rights portfolio

The SAHRC is mandated to monitor and influence progress by all organs of State in the realisation of the constitutional rights of children. The Children's Rights portfolio at the Commission seeks to protect, promote, and educate on children's rights, and advocates for legislative and policy reform, creates awareness, and participates in advancing children rights both at the domestic, regional and international levels. The work of the Children's Rights portfolio is informed by the Constitutional mandate of the Commission, relevant national legislation, and applicable international and regional instruments.

- Effective consultative mechanisms need to be introduced, for example, a representative council of the children, both girls and boys, in the residential care facility, with the mandate to participate in the development and implementation of the policy and any rules of the institution.

- Continuous training around children’s right to participate should be undertaken with all professionals involved in the care system including Social Workers, Magistrates, Prosecutors and Forensic Investigators.

Guidelines for child participation in development of care services

- Consultative processes need to be developed for children’s involvement in development of legislation and policy, as well as feedback mechanisms on implementation of laws, policy and practice relating to care services.

6.6 Guidelines for children’s involvement in public decision making

Introduction

Children’s participation in the public sphere is the logical extension of the right to expression and decision making. Exposing young people to public decision-making processes offers important opportunities for civic education and learning about government. Involvement in such processes can strengthen children’s social responsibility and develop their social, communication and facilitation skills.

Governments need to establish mechanisms for engaging with children at the national level, in order that legislation, policy, planning and service development and implementation can reflect children’s own concerns, experiences and suggestions. They are core stakeholders and their experience and concerns will contribute to ensuring that government policies are relevant and effective, and will promote the best interests of children. Children should be consulted in the formulation of legislation and policy related to these and other problem areas and be involved in the drafting, development and implementation of related plans and programmes.

It is important to move beyond a view of children’s participation in terms of one-off public meetings, conferences and other events, and towards systematic inclusion of children’s participation in policy-making. In addition, children should be afforded the right to participate in local level decision making.

Article 12 in the UNCRC includes the right of children to play an active role within their communities. This is further defined in the comments to article 12 by the Committee on the Rights of the Child¹⁶. In terms of Section 152 (1)(e) of the South African Constitution (Act 108 of 1996), one of the objectives of local governance is to encourage the involvement of communities and community organisations in matters of local government. This constitutional prescription is endorsed in the White Paper on Local Government (Republic of South Africa 1998, 37), which defines developmental local government as one that is committed to working with citizens and groups within the community to find sustainable ways to meet their social, economic and material needs and improve their lives¹⁷. Likewise, the Local Government Municipal Systems Act (Act No. 32 of 2000) recognises the right of local communities (which include children) to participate in the planning of local government services. It is the municipalities/local government who are responsible for planning and implementing child participation and child friendly measures across the city/community. This should be integrated into the daily municipal management and might require changes in organisational culture and practices¹⁸.

General guidelines for children’s participation in national and local public decision making

- Ensuring that public decisions are informed and influenced by children’s views and concerns is more important than high-level events that bring children and decision makers together but fail to take children’s opinions into account.

- Secure children’s participation in local and national public decision-making processes in law and create and resource permanent mechanisms and structures within government, at local and national level, for children to be consulted and to have ongoing influence over public decisions and resource allocations. If possible, create a system linking local and national structures so that they can build on and feed into each other. Such mechanisms might include:
 - o children’s parliaments
 - o children’s advisory committees
 - o national or regional consultations
 - o dialogue with children through electronic media
 - o focus groups on specific issues
 - o collaboration with existing children’s organisations.
 - o involvement of children as auditors or monitors of local services
- The figure below provides details of the proposed institutional arrangements for child participation at the different levels of government

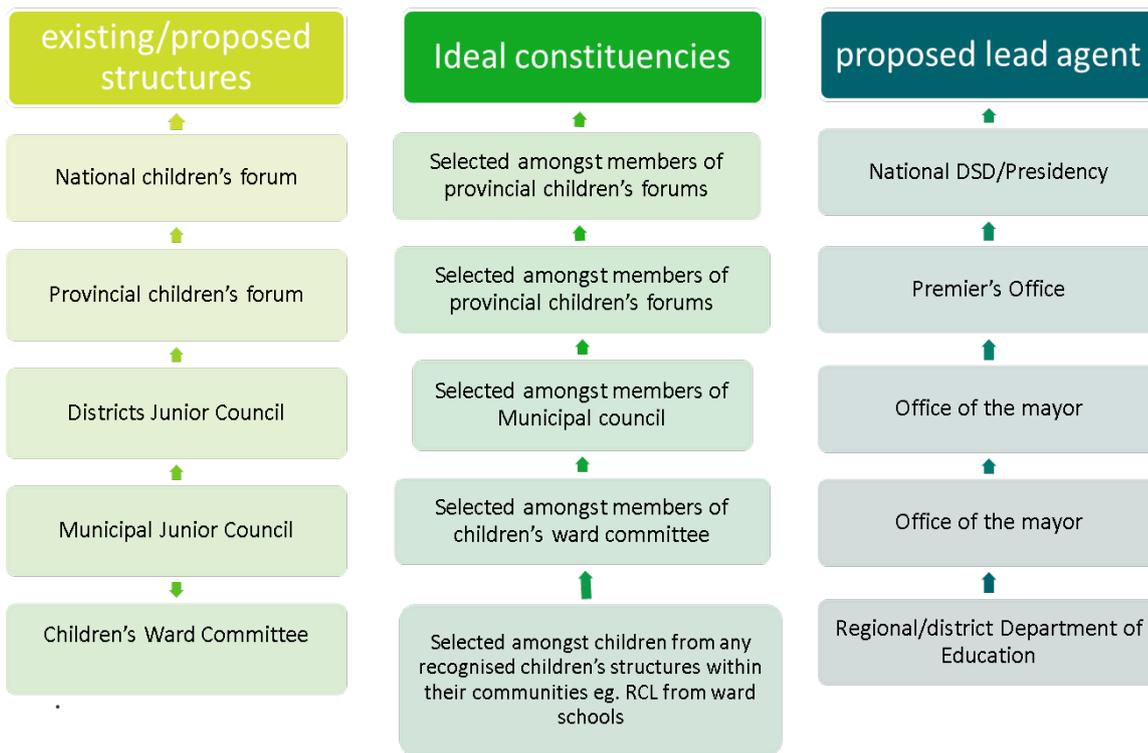


Figure 1 Proposed institutional arrangements for child participation

- These proposed structures were presented and discussed with children and adult stakeholders at the national consultation workshops and thus includes their inputs and comments. At these workshops it was noted that there are a multitude of platforms for child participation which already exist at the different levels and in particular at the local level. The table below presents these different platforms and is based on a brainstorming session during the children’s consultation workshop.

Table 2 Range of existing platforms for child participation

Provincial	National	Ward/municipality
Provincial Department of Education- GEM/BEM Club		Peace Clubs
Provincial Children’s Parliament	National Planning Commission – Children’s Rights Commissioner	Junior City Councils
Child Ambassador Programmes	South African Human Rights Commission: Children’s Rights portfolio	Girls/Boys Empowerment Movement (GEMS/BEMS) clubs in schools CYCC forums
		*Junior Ward Committee *Regional / Ward based child ambassadorship programme *Learner Organisations *Organisations of Local RCLs *Debating Societies *Sport groups *Voluntary Community Service Programmes Various civil society platforms - children led platforms and clubs such as: Soul Buddyz, KIDZ Network, Keeping Girls in Schools,
		Faith based children’s platforms such as: Bible Clubs and youth clubs

- Ensure children’s rights to expression, association, peaceful assembly and access to information is guaranteed in law, including by:
 - Providing support to enable children to establish their own organisations, through which they can represent themselves and other children;
 - Translating relevant government documents, such as the National Plan of Action, laws and budgets, into child friendly language, to make it easier for children to participate.
- Ensure that policies and budgets are developed based on the views of children
- Create opportunities for children to provide feedback on the quality, accessibility and appropriateness of public services (social accountability/auditing);
- Involve children in monitoring implementation of their rights. Children can be involved in agreeing indicators and monitoring the implementation of all the rights enshrined in the UNCRC, including within the family and alternative family environments, and the impact of their participation on policy, court decisions and programme implementation. They can be directly involved in research

both as respondents and researchers. Involve children in the reporting process to the Committee on the Rights of the Child, African Committee on the Rights and Welfare of the Child and other international and regional accountability mechanisms. This should include NGOs, including national alliances on children's rights, involving children in the process of parallel reporting under the UNCRC, including their presence during pre-session country briefings with the Committee and in the process of shadow reporting, and during pre-sessional country briefings.

- Take active measures to facilitate and support children's safe and meaningful participation in national and international forums and regional and international conferences.
- Ensure the protection and safety of all children involved in public decision-making processes.¹⁹
- Children participating in these mechanisms and processes should as far as possible have a balance in terms of the following: age of participants, gender, religion, rural versus urban, in and out of school, socio-economic background, race, disabilities etc.
- Children with disabilities will be the greatest source of knowledge with regard to the discrimination and social exclusion they face, and can contribute significantly towards understanding the attitudinal, communication, physical and mobility barriers that need to be removed before they can realise their rights.
- Children who sit on these structures should be democratically elected by children themselves.
- Raise awareness among the general public on children's rights to participate in public decision-making and build the capacity of government officials, state employees and other decision-makers at national and local levels on how to engage meaningfully with and listen to children.
- At the local level, children should be involved in dialogues with other members of the community. Strong advocacy is required to create a space and responsiveness to children's participation within the community and traditional leadership forums. This can be achieved through the support of more spaces at a community level for children to safely express their views, such as the Isibindi Safe Parks²⁰. Traditional leaders should be encouraged to create spaces for children's participation in decisions at a community level that impact on them. Likewise the Circle of Care model explored with children and elders in communities to dialogue on the impact of the HIV and AIDS epidemic could be replicated.
- Ensure that children received feedback on how their views and recommendations have been taken forward.
- All engagement with children should be informed by the UN Committee on the Rights of the Child basic requirements for the implementation of the right of the child to be heard,

Annexure I: Child participation checklists

Broad overarching checklist

The checklist below is aligned to the child participation practice standards and will assist in thinking about whether the minimum standards are adhered to in any participatory process with children.

Questions to assess if transparent and informative	✓ Yes	✓ No
• Have children been given a clear idea of purpose of the participatory process?		
• Have children been given information about their right to participate in a child-friendly and accessible format?		
• Does this information clearly state: how they will participate; why they have been given the opportunity to participate; the scope of their participation; the potential impact their participation could have?		
• Are the roles and responsibilities of all involved (children and adults) clearly outlined, understood and agreed upon?		
• Has the selection of child representatives been based on principles of democracy and non-discrimination?		
Questions to assess if participation is voluntary	✓ Yes	✓ No
• Have children been given the opportunity to give their personal, informed consent to their participation?		
• Are children aware of that their participation is voluntary and their right to withdraw at any time they wish?		
• Have parents/guardians, teachers etc. been informed about the need for the participation of girls and boys?		
Questions to assess if participation is relevant	✓ Yes	✓ No
• Are the issues covered relevant to the children involved?		
• Are children involved in setting the criteria for selection and representation for participation?		
• Has the process been designed in a way that considers the appropriate level, capacity and interest of those children involved?		
• Has consideration been given to the social, economic, cultural and traditional practices of the children involved?		
Questions to assess if participation is respectful	✓ Yes	✓ No
• Have mechanisms been put in place to ensure children are able to freely express their views and treated with respect?		
• Have principles of democracy been utilised to select child representatives?		
• Have mechanisms been put in place to ensure the process enables children to feel that they have valid experiences and views to contribute?		

Questions to assess if participation is child friendly	✓ Yes	✓ No
• Have children been consulted to find out their preferred mediums of expression?		
• Have sufficient time and resources been made available for participation process?		
• Is the meeting place child-friendly?		
• Is the meeting place accessible to children with disabilities?		
• Has accessible information been shared with children in child friendly formats and in languages that the children understand, including children with visual or hearing impairments?		
Questions to assess if participation is inclusive	✓ Yes	✓ No
• Have all children been given an equal chance to participate?		
• Have efforts been made to reach out to children in their local settings?		
• Has the age range, gender and abilities of children been taken into account in the way participation is organised?		
• Are those working with children able to facilitate an environment that is non-discriminatory and inclusive?		
Questions to assess if adults have been trained	✓ Yes	✓ No
• Have adults been provided with appropriate training and tools to work effectively and confidently with children of different ages and abilities?		
• Are mechanisms in place to support and supervise adults, and evaluate their participation practice?		
Questions to assess if participation is safe and sensitive to risk	✓ Yes	✓ No
• Are children aware of their right to be safe from abuse?		
• Do children know where to go for help if needed?		
• Have safeguards been put in place to minimise risks and prevent abuse?		
• Has a system for reporting critical incidents been put in place and understood by all staff?		
• Has consent been obtained for the use of all information provided by children?		
• Has a formal complaints procedure been set up to allow children involved in participatory activities to make a complaint?		
• Are all those involved clear that no photographs, videos or digital images of a child can be taken or published without that child's explicit consent for a specific use?		
• Have responsibilities relating to liability, safety, travel and medical insurance been clearly delegated and effectively planned for?		

Questions to assess if participation is accountable	✓ Yes	✓ No
• Have follow-up and evaluation processes been included in the process?		
• Are mechanisms in place to give children rapid and clear feedback on the impact of their involvement, the outcome of any decisions, next steps and the value of their involvement?		
• Are mechanisms in place to ensure feedback reaches all children involved?		

Checklist for child participation interventions targeting household and family setting

Questions to assess child participation in household and family	✓ Yes	✓ No
• Have awareness raising activities been undertaken among adults about children's right to express their opinions in the household/ family setting?		
• Have programmes been developed to promote more democratic forms of communication between children and adults (e.g. intergenerational dialogues)?		
• Have these programmes been devised to assist care givers in understanding children's rights and responsibilities and the importance of participation?		
• Have programmes been rolled out to present alternatives to authoritarian parenting styles and the use of corporal punishment?		
• Do these programmes address cultural norms around child-parent interactions and gender stereotypes?		
• Do these programmes address parental concerns about involving children in decisions?		

Checklist for child participation interventions targeting the school setting

Questions to assess child participation for the school setting	✓ Yes	✓ No
• Are children involved in and their right to be heard has been upheld in individual decision making about their education - for example, to hold the child back for a year, or to place her or him in a particular stream or setting?		
• Are children's right to be heard being upheld when a decision is made to exclude her or him from school or to impose any other form of disciplinary measure?		
• Are children being provided with information about how to challenge the individual decisions about their education?		
• Do children know where to go for help and who can support her or him through such processes?		
• Are children represented in school governance structures?		
• Do these forums make use of venues and methods of communication that children feel comfortable with, rather than those that teachers prefer?		
• Are younger children given the opportunity to participate on these forums?		

<ul style="list-style-type: none"> • Do the adults respect learners on RCL structures and take their views into account? <ul style="list-style-type: none"> ○ Do adults at schools, School Governing Bodies, and School staff take the role of the RCL seriously? ○ Has formal support been provided by Department of Education in terms of training adults and RCL members about their roles and responsibilities on these committees? 		
<ul style="list-style-type: none"> • Have a range of opportunities and platforms for child participation been made available in the school setting? 		

Checklist for child participation in child protection setting

Questions to assess child participation in child protection setting	✓ Yes	✓ No
<ul style="list-style-type: none"> • Are mechanisms in place to ensure that children in all forms of alternative care, including in institutions, are able to express their views in matters affecting their daily lives? 		
<ul style="list-style-type: none"> • Has information been routinely provided to children about any proposed placement, care and/or treatment plan, the options available and the implications of any proposed action? 		
<ul style="list-style-type: none"> • Is this information in a form that is consistent with the child's evolving capacities, and has she or he been given time to consider the information and ask questions, before making decisions? 		
<ul style="list-style-type: none"> • Do children have access to independent and safe complaints mechanisms without fear of punishment or retribution? 		
<ul style="list-style-type: none"> • Is an independent inspectorate in place to monitor compliance with the rules and regulations governing the provision of care, protection or treatment of children in accordance with the obligations under Article 3? 		
<ul style="list-style-type: none"> • Is a children's ombudsperson or commissioner in place with powers to undertake investigations, and make unannounced visits to residential facilities and institutions (including those for children in conflict with the law) to listen to children in private, and recommend specific actions to respond to these views? 		
<ul style="list-style-type: none"> • Are effective consultative mechanisms in place in the residential care facility, with the mandate to participate in the development and implementation of the policy and any rules of the institution? 		
<ul style="list-style-type: none"> • Are children being consulted in development of legislation and policy, as well as feedback mechanisms on implementation of laws, policy and practice relating to care services? 		

Checklist for child participation interventions targeting community setting

Questions to assess child participation in household and family	Yes	No
• Have systemic structures and mechanisms been established to enable children to participate in the local governance issues?		
• Are child participation at local government and community level moved away from once-off/adhoc initiatives		
• Has support been provided to enable children to establish their own organisations, through which they can represent themselves and other children at local government and community level?		
• Have formal spaces been created for children to access decision-makers and policy-makers?		
• Have opportunities for children’s engagement through children’s parliaments, representation on local bodies, consultation on specific issues, support for child-led initiatives and organisations, access to the media, and involvement of children as auditors or monitors of local services been created?		
• Have spaces and responsiveness been created for children’s participation within the community and traditional leadership forums?		

Checklist for child participation interventions targeting court settings

Questions to assess child participation in household and family	Yes	No
• Can children express their views on adoption, custody and guardianship?		
• Do courts have child-friendly procedures?		
• Are children protected from being victimised during interrogation procedures?		
• Is legal information freely available for children, in ways they easily understand?		
• Do children have access to legal representation?		
• Do children have access to legal aid?		

Checklist for child participation interventions targeting health setting

Questions to assess child participation in household and family	Yes	No
• Are children’s views required for decisions about their own health?		
• Does every child have access to free, accessible, child-and adolescent friendly health care services?		
• Do children have power to give or withhold consent to treatment?		
• Are children involved in planning health services?		
• Is health information freely available to children, in ways they easily understand?		

Checklist for child participation at policy level/national reporting

Questions to assess child participation in child protection setting	✓ Yes	✓ No
<ul style="list-style-type: none"> Are laws and mechanisms in place to institutionalise child participation at all levels of relevant government decision-making, including legislative reform, policy-making, planning, data collection and resource allocation? 		
<ul style="list-style-type: none"> Are children’s rights to expression association, peaceful assembly and access to information guaranteed in law 		
<ul style="list-style-type: none"> Are relevant government documents in child friendly language to make it easier for children to participate? 		
<ul style="list-style-type: none"> Are children supported to establish their own organisations? 		
<ul style="list-style-type: none"> Are efforts made to raise awareness among the public on children’s rights to participate in local and national public decision-making and have the government institutionalised capacity building with government officials, state employees and other decision-makers on how to meaningfully engage with and listen to children? 		
<ul style="list-style-type: none"> Are children systematically receiving feedback on views and recommendations shared? 		
<ul style="list-style-type: none"> Are the UN Committee on the Rights of the Child basic requirements for the implementation of the right of the child to be heard adhered to? 		
<ul style="list-style-type: none"> Are procedures followed to ensure the protection and safety of children involved in public decision-making? 		
<ul style="list-style-type: none"> Are children involved in monitoring implementation of their rights? 		
<ul style="list-style-type: none"> Are children with disabilities able to contribute significantly towards understanding the attitudinal, communication, physical and mobility barriers that need to be removed before they can realise their rights? 		
<ul style="list-style-type: none"> Are children involved in the reporting process to the Committee on the Rights of the Child, African Committee on the Rights of the Child and other relevant international and regional accountability mechanisms? 		
<ul style="list-style-type: none"> Are children supported to participation in relevant national and international forums and regional and international conferences? 		

Annexure 2: Models of child participation

There are a range of models of participation. The best-known models include Hart's Ladder of Participation²⁴, first developed by Sherry Arnstein in 1969²⁵; Treseder's Degrees of Participation; Shier's Pathways to Participation²⁶; Kirby et al's Model of Participation²⁷; and Lundy's Model of Participation.²⁸

Lundy's Model of participation has been chosen as the most appropriate for this framework because it is grounded in the UNCRC and focused on a rights-based approach to involving children in decision making.



Figure 2 Lundy's Model of Participation

This model provides a way of conceptualising Article 12 of the UNCRC which is intended to focus decision-makers on the distinct, albeit interrelated, elements of the provision. The four elements have a rational chronological order:

- **SPACE:** Children must be given safe, inclusive opportunities to form and express their view
- **VOICE:** Children must be facilitated to express their view
- **AUDIENCE:** The view must be listened to.
- **INFLUENCE:** The view must be acted upon, as appropriate³⁰

Annexure 3: Child participation approaches

Child-rights approach

All interventions with children should be based on the child rights approach which:

- furthers the realization of child rights;
- uses child rights standards from the Convention to guide behaviour, actions, policies and programmes in particular non-discrimination, the best interests of the child, the right to life, survival and development, the right to be heard and taken seriously, and the child’s right to be guided in the exercise of his/her rights by parents, caregivers and community members, in line with the child’s evolving capacities;
- builds the capacity of children as rights-holders to claim their rights and the capacity of duty-bearers to fulfil their obligations to children.

As children’s capacities evolve gradually during childhood, caregivers and other adults are vital to ensure children’s well-being and upbringing. Historically, children have been treated as ‘objects’ rather than ‘subjects’ – as if they were pawns on a chessboard, moved around by adults, often without respect for their dignity, participation and evolving capacities. In the decades since the Convention came into force, it has transformed attitudes towards children and childhood, changing the way children are viewed and treated from a charity-based to a rights-based approach, and recognizing children as agents entitled to be actively involved in decisions that affect their lives.

All interventions, from the level of overall programme design to local level practical initiatives, should be underpinned by this concept of respect for the dignity of the child as a rights-bearing person.

The table below contains some guiding questions for implementation which can be asked to assess the extent to which a child rights approach is being upheld.³¹

Table 3 Guiding questions for implementation of a child-rights approach

Guiding questions for implementation of the ‘child rights approach’	
Overall context	Does this initiative proactively further the realisation of children’s rights as set out in the CRC and other international human rights instruments? (It must contribute directly, not just incidentally, to the realization of children’s rights.)
Duty-bearers	Does this initiative help build the capacity of duty-bearers to fulfil their obligations?
Rights-holders	Does this initiative help build the capacity of children as rights-holders to claim their rights?
Article 6	Does this initiative contribute positively to - and avoid harming - children’s right to life, survival and development?
Article 2	Is this initiative discriminating against any individual or groups of children?
Article 3.1	Is this initiative in children’s best interests?
Article 5	Are family and community stakeholders involved?
Article 12	Are all children able to participate in an ethical and meaningful way?
Article 4	Is the initiative being adequately, sustainably and ethically resourced by those responsible?

Child friendly approach

Every step of a child participation process, from preparatory work to implementation and dissemination of results, should be designed in a child-friendly way, according to the age and ability of the children taking part. Child-friendly principles are important in ensuring that children can participate meaningfully and effectively alongside adults. This is aligned with the UNCRC practice standards outlined in section 5 above. The following will help you ensure that your project is as suitable as possible for children and young people:

- Respect children and be honest. Treat children seriously and respectfully. This will help them to feel that their contribution is important and valued.
- Involve children as early as possible, ideally during the preparation phase. This strengthens their motivation and identification with the project's objectives.
- Invite and encourage all children to participate in the project. Stay open to all children, regardless of their social, cultural or ethnic background or their performance at school.
- Ensure that all children are treated equally and all are given the opportunity to express their opinion.
- Ensure that the focus of projects is attractive to children, concrete and closely related to their daily life.
- Take the different time horizons of children and adults into account. For younger children especially, it is important to get at least some results promptly. In children's eyes, visibility of results is a main factor of success.
- Provide sufficient information on the project, easily accessible and understandable, in a child-friendly format.
- Keep the organisational structures and procedures transparent. The success of a participation project depends on a clear distribution of work between children and adults.
- Use child-friendly settings, methods, formats, language and background material (e.g. paintings, photos, internet resources, varied materials, symbols, smiling faces, moderating cards, amusing games, contests, small working groups).
- Appreciate the children's work and make this visible. Aside from small gifts (stickers, pencils etc.), official documents are of high importance for children (diplomas, personal letters).
- Be self-critical and flexible. If some methods, tools or approaches turn out to be not sufficiently child friendly, original ideas need to be adapted to children's needs and requirements.
- Finally, having fun while working in a participation project is a key principle of a child-friendly project design.³²

Working with children requires specific skills and competences, such as flexibility, sympathy, patience and creativity. Special training may be of particular importance in order to acquire or improve these skills and competences. When they are involved in successful, child-centred participation projects, children feel happy, valued and learn that participation can be fun – and that's what really counts.³³

Inclusive approach

Participatory work should include groups of children who typically suffer discrimination or who are often excluded from activities, such as girls, working children, children with disabilities and rural children.³⁴ This is in alignment with the UNCRC practice standards outlined in section 5.

A child rights approach to ensuring that all children are included in the benefits of a participatory process requires a strong commitment to the core human rights principles of non-discrimination and equality. Article 2 of the Convention states that children must not be discriminated against on any grounds.

Discrimination can have a devastating impact on children's lives, rendering them invisible, and resulting in low self-confidence and self-esteem. It can also act negatively on their personal development. In addition, more general social exclusion, because of poverty or other factors rendering any child unable to participate on an equal basis in society, can lead to serious and enduring harm to their well-being.

It is, therefore, important to develop a specific policy or declaration within any participatory work which sets out a commitment to ALL children and detailing how discrimination and exclusion will be addressed.³⁵

What steps are needed to build a non-discriminatory and inclusive child participation process?

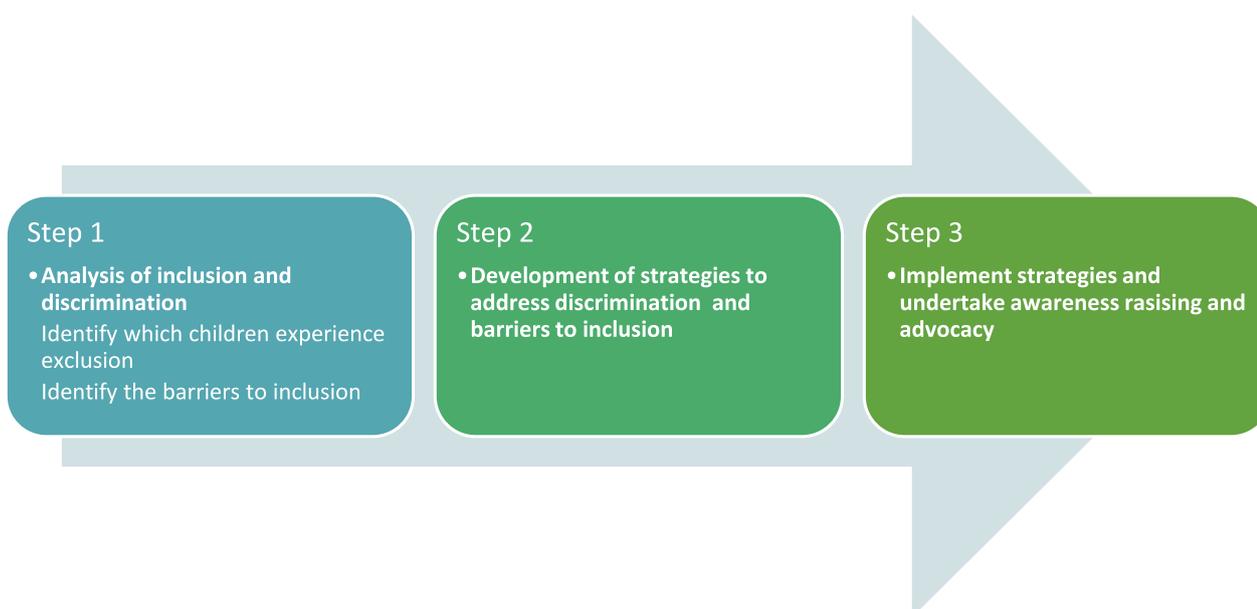


Figure 3 Steps to build a non-discriminatory and inclusive process

Annexure 4: Methodology and processes to promote meaningful child participation

Since the Convention on the Rights of the Child came into force in 1990, there has been a great deal of discussion and practical action to give effect to the principle embodied in Article 12 that children have a right to be listened to and taken seriously. It has become clear that children can become successfully involved in:

- Research;
- Monitoring and making decisions regarding their health;
- Managing their own institutions such as schools;
- Evaluating services intended for younger people;
- Peer representation;
- Advocacy;
- Project design, management, monitoring and evaluation;
- Campaigning and lobbying;
- Analysis and policy development;
- Publicity and use of the media;
- Conference participation.

Their involvement can take place in any institutional setting with which children have contact – school, residential homes, juvenile justice systems, the media, child care agencies, youth services, workplaces, health services, local and national government. And they can participate at all levels from the family to local communities to the international arena. The guidelines for meaningful participation in each of these settings are contained in annexure I of this document.³⁶

The table below provides some examples of methods, processes and activities that can be undertaken in each of the settings to promote meaningful child participation.

Table 4 Examples of methods, processes, activities to promote meaningful child participation

Setting	Examples of methods, processes, activities
Family or household	<ul style="list-style-type: none"> • Awareness raising about children’s rights with parents and children • Facilitation of intergenerational dialogues • Programmes on alternatives to corporal punishment in the home • Parenting programmes targeting mothers and fathers that promote respectful relationships between parents and children
School setting	<ul style="list-style-type: none"> • Establish Representative Council of Learners (RCL) • Learner representation on the School Governing Body (SGB) • Learner participation in adopting a school code of conduct • Create platforms where children can participate in schools: <ul style="list-style-type: none"> ○ as peer educators, and mentors for younger children ○ in advising on issues such as design of schools and playgrounds ○ in helping develop, and providing feedback and evaluation on, teaching methods and the curriculum ○ as mediators helping resolve conflicts ○ in recruitment and appraisal of teachers ○ in providing guidance on strategies to eliminate discrimination, bullying or corporal punishment in schools ○ in making the curriculum more relevant to children’s reality.
Judicial and administrative setting	<ul style="list-style-type: none"> • Provide accessible information about their role, the support they can receive and the practical arrangement • Create child-friendly, safe and accessible courts • Assess the maturity, stage of development and capacity of the child by considering whether the child is able to form a view of the issues being addressed and, if so, what weight must be attached to those views • Ensure age appropriate feedback to the child so that she or he knows exactly what decisions have been made and why. Keep the child informed on all actions and decisions. • Provide mechanisms for the child to make a complaint, or seek a remedy or redress if her or his right to be heard has not been properly implemented • Ensure that no action, proceedings or decisions are made concerning a child capable of forming a view, without finding out the views of that child and consider such. • Ensure child inclusive participation early on within alternative dispute resolution processes (mediation) within family law matters.

Setting	Examples of methods, processes, activities
Child protection	<ul style="list-style-type: none"> • Family group conferences • Involve children and young people who have experienced being in care to provide information, support and advocacy to other children and young people. • Educate children in alternative care on procedures for making complaints and who they can make a complaint to. • Establish consultative mechanisms in residential care facilities.
Health	<ul style="list-style-type: none"> • Provide access to health services and information thereof • Ensure confidentiality • Involve the children in decision making when it affects their health • Involve children in service development through feedback systems, consultation, working with local or national children's councils or parliaments to develop standards and indicators of rights respecting health services, involving children in inspection and monitoring of services.
Public decision making at national level	<ul style="list-style-type: none"> • Children's parliaments • Youth advisory committees • National or regional consultations • Dialogue with children through electronic media • Focus groups on specific issues • Collaboration with existing children's organisations • Translation of relevant government documents into child friendly language • Involve children in monitoring implementation of their rights • Involve children in the reporting process to the Committee on the Rights of the Child • Facilitate children's involvement in relevant national and international forums.
Public decision making at community/ local level	<ul style="list-style-type: none"> • Children's parliaments • Representation on local bodies • Community and local government consultation • Community dialogue • Inter-generational dialogue • Support for child-led initiatives and organisations, • Ensure access to the media • Involvement of children as auditors or monitors of local services

Annexure 5: Child participation practice standards

These practice standards aim to provide a framework that gives guidance and direction to any adult responsible for facilitating participatory processes with children. They are based on the guiding principles of this framework (see section 5). Each standard is accompanied by a set of criteria which can be used as indicators to assess whether or not the standard is being met.³⁷

Standard	How to meet this standard
<p>An ethical approach: participation is transparent and informative</p> <p>What does this mean?</p> <p>Adults involved in consultations with children follow ethical and participatory practice and put children's best interests first.</p>	<ul style="list-style-type: none"> • Girls and boys are able to freely express their views and opinions and have them treated with respect. • There is clarity of purpose about children's participation and honesty about its parameters. • Children must be given information about their right to participate in a child-friendly and accessible format. The information should include: <ul style="list-style-type: none"> ○ how they will participate; ○ why they have been given the opportunity to participate; ○ the scope of their participation; ○ the potential impact their participation could have. • Children understand how much impact they can have on decision-making and who will make the final decision. • The roles and responsibilities of all involved (children and adults) are clearly outlined, understood and agreed upon. • Clear goals and targets are agreed upon with the children concerned. • Children are involved from the earliest possible stage and are able to influence the design and content of participatory processes. • 'Outside' adults involved in any participatory processes are sensitised to working with children, clear about their role and willing to listen and learn.
<p>Children's participation is voluntary</p> <p>What does this mean?</p> <p>Children have the choice as to whether to participate or not</p>	<ul style="list-style-type: none"> • Children have time to consider their involvement and processes are established to ensure that they are able to give their personal, informed consent to their participation. • Children's participation is voluntary and they can withdraw at any time they wish. • Children's other time commitments are respected and accommodated (e.g., to home, work and school). • Support from key adults in children's lives (e.g., parents/guardians, teachers) is gained to ensure wider encouragement and assistance for the participation of girls and boys.

Standard	How to meet this standard
<p>Children's participation is relevant</p> <p>What does this mean?</p> <p>Children participate in processes and address issues that affect them – either directly or indirectly</p>	<ul style="list-style-type: none"> • The issues are of real relevance to the children being involved and draw upon their knowledge, skills and abilities. • Children are involved in setting the criteria for selection and representation for participation. • Children are involved in ways, at levels and at a pace appropriate to their capacities and interests. • Ways of working and methods of involvement incorporate, and build on, supportive local structures, knowledge and practice and take into consideration social, economic, cultural and traditional practices.
<p>Children's participation is respectful</p> <p>What does this mean?</p> <p>Children should be treated with respect and provided with opportunities to express their views freely and to initiate ideas. Staff should also respect and gain an understanding of the family, school and cultural context of children's lives.</p>	<ul style="list-style-type: none"> • children can freely express their views and are treated with respect; • where children are selected as representatives, the process will be based on the principles of democracy and active steps to be inclusive; • ways of working build self-esteem and confidence, which enable children to feel that they have valid experiences and views to contribute; • programme staff should encourage all adults involved in the programme to be respectful towards children at all times.

Standard	How to meet this standard
<p>Participation is child friendly</p> <p>What does this mean?</p> <p>Children experience a safe, welcoming, inclusive and encouraging environment that enables participation.</p>	<ul style="list-style-type: none"> • Methods of involvement are developed in partnership with children so that they reflect their preferred mediums of expression. • Sufficient time and resources are made available for quality participation and children are properly supported to prepare for their participation. • Adults (including children’s own parents/guardians) are sensitised to understand the value of children’s participation and are enabled to play a positive role in supporting it (e.g., through awareness-raising, reflection and capacity building). • Child-friendly meeting places are used where girls and boys feel relaxed, comfortable and have access to the facilities they need. The meeting places must be accessible to children with disabilities. • Organisational or official procedures are designed/modified to facilitate (rather than intimidate) children and make less experienced boys and girls feel welcome. • Children are asked what information they need and accessible information is shared with children in good time, in child friendly formats and in languages that the children understand, including children with visual or hearing impairments. • In situations where children meet with different native/first languages, access to written information and professional interpretation is provided that allows for children’s full participation in discussions. • Non-technical language is used in all discussions involving children and/or all jargon or technical terms are clearly explained.

Standard	How to meet this standard
<p>Participation is inclusive</p> <p>What does this mean?</p> <p>Child participation work challenges and does not reinforce existing patterns of discrimination and exclusion. It encourages those groups of children who typically suffer discrimination and who are often excluded from activities to be involved in participatory processes.</p>	<ul style="list-style-type: none"> • All children have an equal chance to participate and systems are developed to ensure that children are not discriminated against because of age, race, colour, sex, language, religion, political or other opinion, national, ethnic or social origin, property, disability, birth or other status. • Children’s involvement aims to include all rather than a few, this could mean reaching out to children in their local settings rather than inviting representatives to a central point. • Participatory practice with children is flexible enough to respond to the needs, expectations and situation of different groups of children –and to regularly re-visit these concerns. • The age range, gender and abilities of children are taken into account in the way participation is organised (e.g., in the way information is presented). • Those working with children are able to facilitate an environment that is non-discriminatory and inclusive. • No assumptions are made about what different groups of children can and cannot do. • All children are given an equal opportunity to voice their opinions and have their contributions reflected in any outcomes of a participatory process, including in processes that involve both children and adults. • If there is a limit to how many children can participate, children themselves select from among their peers those who will represent them in participatory initiatives based on the principles of democracy and inclusion. • Influential adults are engaged to gain family and community support for the participation of discriminated-against groups.
<p>Participation is supported by trained and committed adults</p> <p>What does this mean?</p> <p>Adults working with children are committed to the aim of consulting with children and are trained and supported to carry out participatory practices.</p>	<ul style="list-style-type: none"> • Adults are sensitised to children’s participation and understand the need for commitment to children’s participation. • Adults are provided with appropriate training, tools and other development opportunities in participatory practice to enable them to work effectively and confidently with children of different ages and abilities. • Adults are properly supported and supervised, and evaluate their participation practice. • Support is provided for adults for whom children’s participation represents a significant personal or cultural change, without this being regarded as a problem. • Adults are able to express any views or anxieties about involving children in the expectation that these will be addressed in a constructive way.

Standard	How to meet this standard
<p>Participation is safe and sensitive to risk</p> <p>What does this mean?</p> <p>Involvement in a consultation must not expose any child to threats or actual harm to well-being. A child's safety and health is considered in every possible way, with safeguards put in place. This includes both physical and emotional well-being.</p>	<ul style="list-style-type: none"> • The protection rights of children are paramount in the way children's participation is planned and organised. • Children involved in participation work are aware of their right to be safe from abuse and know where to go for help if needed. • Skilled, knowledgeable adults are delegated to address and coordinate child protection issues during participatory processes. • Adults organizing a participatory process have a child protection strategy that is specific to each process. The strategy must be well communicated and understood by all staff involved in the process. • Safeguards are in place to minimise risks and prevent abuse (e.g., children are adequately supervised and protected at all times; risk assessments are in place for residential activities away from home; children are protected from abuse from other children). • Adults recognise their legal and ethical obligations and responsibilities (e.g., in respect of their own behaviour or what to do if they are told about the inappropriate behaviour of others). • A system for reporting critical incidents is in place and understood by all staff. • Careful assessment is made of the risks associated with children's participation in speaking out, campaigning or advocacy. Depending upon the risks identified, steps may be needed to protect children's identity or to provide follow-up measures to give protection (e.g., to ensure their safe reintegration into their communities). • Consent is obtained for the use of all information provided by children and information identified as confidential needs to be safeguarded at all times. • A formal complaints procedure is set up to allow children involved in participatory activities to make a complaint in confidence about any issue concerning their involvement. • Information about the complaints procedure is accessible to children in relevant languages and formats. • No photographs, videos or digital images of a child can be taken or published without that child's explicit consent for a specific use. • Unless otherwise agreed, it must not be possible to trace information back to individual/groups of children. • Responsibilities relating to liability, safety, travel and medical insurance are clearly delegated and effectively planned for.

Standard	How to meet this standard
<p>Participation is accountable and ensures follow-up and evaluation</p> <p>What does this mean?</p> <p>Respect for children's involvement is indicated by a commitment to provide feedback and/or follow-up and to evaluate the quality and impact of children's participation.</p>	<ul style="list-style-type: none"> • Children are supported to participate in follow-up and evaluation processes. • Follow-up and evaluation is addressed during the planning stages, as an integral part of any participation initiative. • Children are supported and encouraged to share their participatory experiences with peer groups, local communities, organisations and projects with which they may be involved. • Children are given rapid and clear feedback on the impact of their involvement, the outcome of any decisions, next steps and the value of their involvement. • Feedback reaches all children involved. • Children are asked about their satisfaction with the participation process and for their views on ways in which it could be improved. • The results of monitoring and evaluation are communicated back to the children involved in an accessible and child-friendly way, and their feedback is taken into account in future participation work. • Mistakes identified through evaluation are acknowledged and commitments given about how lessons learned will be used to improve participatory processes in the future. • Adults will evaluate how they have translated and implemented children's priorities and recommendations into their policies, strategies and programmes. • Sustainability of support is discussed with children. Adults will provide clear feedback to children regarding the extent/limit of their commitment to support children's on-going initiatives and organisations. If on-going support is not possible, adults will provide children with resources and support to make contact with other agencies who can support them.

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