

child rights

in focus

Research • Advocacy • Education

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Actualizing the right to participate

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The Fourth World Congress on Family Law and Children's Rights provided a platform for scholars and practitioners to investigate the extent to which the United Nations Convention on the Rights of the Child (CRC) has been realised by countries world-wide. One of the Children's Institute presentations to the congress focused on its *Child Participation Project*, which is an example of a project that attempts to actualize children's right to participation, as stated in Article 12 of the Convention. The project facilitated the participation of children in the deliberations on the Children's Bill since 2003*.

The implementation of this project raised many challenges faced by developing countries in attempting to implement the CRC. The project is in particular an interesting example of how the universal principles encouraged by the Convention challenge some traditional notions of who children are, what their rights are, and what they are entitled to.

For instance, when the project started, facilitators had to transfer their power to the team of children to ensure ownership and legitimacy of the project. The children, who decided to call themselves *Dikwankwetla – Children in Action!*, were well received in Parliament when they made a submission at the public hearings. However, some parliamentarians questioned the validity of the children's views, suggesting that they might have been coached. One of the children commented during an evaluation session afterwards that he felt that the members of Parliament were under-estimating the children's capabilities. Thus, even though the children were given a platform to speak their minds, it is not clear to what extent their views were taken seriously by the MPs. More importantly, it still remains to be seen whether any of their recommendations will be incorporated in the final Children's Bill.

Members of *Dikwankwetla* have also worked within their communities to raise awareness about children's rights, and

about parental rights and responsibilities. One of the challenges that they faced was resistance from adults, who either cannot reconcile with the concept of children in a position of power, or who simply do not agree with the notion of children's rights, which the group is promoting. In this regard, it is important to stress that, in actualizing the right to participate, one must consider firstly the consequences of putting children in a position of power as advocates. Secondly, children are enabled to promote messages that might be foreign to their communities. These dynamics have a huge potential to alienate children from their communities and cultures. Facilitators therefore must ensure that this does not happen, and that the children are supported throughout.

Lastly, most children in developing countries are growing up in the context of poverty, a lack of access to resources and increased vulnerability in the context of HIV/AIDS. When faced with the challenges that children encounter in their everyday lives, it is important to consider the ethics of facilitating their participation. For instance, it is crucial that facilitators consider what immediate relief from their daily struggles the children stand to gain from the process of participation. For a child who is facing hunger today, the benefits of participating in a legislative process that might yield future benefits is not as attractive as immediate resources.

The Convention on the Rights of the Child has given nations all over the world a framework to facilitate the protection of children. However, it is important to remember that universal principles still need to be applied in local contexts with local people, some or most of whom might differ in views. Therefore, for international and national laws to be effective, they need to validate and promote local notions, systems and structures of child protection.

*The *Child Participation Project* facilitated the participation of 12 South African children in the public input into the deliberations on the Children's Bill. For more information about the project, please refer to Issue Number 1 and Issue Number 2 of *Child Rights in Focus*.

[back to contents page](#)



The Children's Institute, University of Cape Town, aims to contribute to policies, laws and interventions, that promote equality and realise the rights and improve the conditions of all children in South Africa, through research, advocacy, education and technical support.



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