



CHILD PARTICIPATION IN STRUCTURES OF LOCAL LEVEL GOVERNMENTS-A KEY MECHANISM FOR ENSURING THEIR RIGHTS *

INTRODUCTION

Children are our future. They are the people who should be molded to lead the society in the manner that ensures healthy development and respect for the underprivileged and consolidation of a peaceful environment devoid of violence and massacre. Hence it is necessary to appreciate the contributions that they can make and this can be enabled only if we involve them not only in matters that are likely to affect them but also in other general matters. Participation of children contributes to their personal development too. It raises their self esteem, cognitive abilities, social skills, and respect for others. Adults do not have sufficient insight into the lives of children to be able to make decisions, law and plans for children. The perspective of children will contribute for these decisions to be relevant, more effective and .One of the modalities of citizens participation is the participation of children and young people in decision making at local and regional level.¹In fact child participation is a key mechanism for ensuring that all the structures of Government, including local authorities are made aware of children's rights.

The right of the child to be heard is one of the most precious rights. The Council of Europe has given a very interesting definition to the phrase child participation and states' individuals or groups of children have the right to, the means, the space, the opportunities and where necessary, the support to freely express their views, to be heard and to contribute to the decision making on matters affecting them, their views being given due weight in accordance with their age and maturity.² It must also be understood that this right is important for the implementation of all other rights. It was in 1989, the global community adopted the United Nations Child Rights Convention making it the first internationally legally binding document concerning child rights. This document opened a Pandora box of very significant rights for the children and right to be heard and taken seriously is one among them. But it remains elusive for most of the children across the world.

The right of all children to be heard and taken seriously constitutes one of the fundamental values of the Convention. In fact it has been identified as one of the four general principles by

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¹ <http://www.oknis.or.rs/wp-content/uploads/2013/03/Participation-of-children-and-youth-in-Serbia-from-right-to-speak-to-right-to-be-heard-.PDF>

² Gerison Lansdown Dubrovnik, *Towards a culture of child participation: measuring progress in promoting the rights of children and young people to participate in matter of concern to them.* at www.coe.int

the Committee on the Rights of the Child.³ The right of the child under Article 12 of the Convention on the Rights of the Child assures, to every child 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 age and maturity.⁴ The article also states in particular that the child shall be afforded the right to be heard in any judicial or administrative proceedings affecting him or her. Thus this right imposes a clear obligation on State Parties to recognise this right and ensure its implementation by listening to the views of the child and according them due weight. The child, however, has the right not to exercise this right. It is a choice for the child and not an obligation. The right to be heard applies both to proceedings which as initiated by the child, such as complaints against ill-treatment and appeals against school exclusion, as well as to those initiated by others which affect the child, such as parental separation or adoption. State parties are encouraged to introduce legislative measures requiring decision makers in judicial or administrative proceedings to explain the extent of consideration given to the views of the child and the consequences for the child⁵

Art 12 can be viewed as one of the most controversial provisions of the CRC. For example according to Lundy⁶ "Its perceived potential to undermine adult authority was a key reason why the United States did not ratify the Convention". However, MST researchers agree on the significance of Article 12 not only for what it says, but because it recognises the child as a full human being with integrity and personality and the ability to participate freely in society.⁷

The Committee also expresses its concern by noting that, in most societies around the world, implementation of the child's right to be heard continues to be impeded by many long standing practices and attitudes as well as political and economic barriers.⁸ The Committee also realises that though impediments are experienced by many children, those belonging to the marginalised and disadvantaged groups, face particular barriers in the realisation of the right.

There are other documents which also reiterate this obligation. The Convention on the Rights of Persons with Disabilities establishes that children with disabilities are to be allowed to express their views freely on all matters affecting them.⁹ A 'World fit for children' adopted by the United Nations General Assembly at the special session on children in 2002, state that children are resourceful citizens capable of helping to build a better future for all and that they should be listened to and their participation ensured.¹⁰ The Convention on the Rights of the Child requires that "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"¹¹ The best interest of the child will be given importance only if they are heard and allowed to participate in matters that concern them.

Rights of Children to be heard and the Local Self Government

³ The others being the right to non discrimination, the right to life and development and the primary consideration of child's best interests

⁴ para 1

⁵ CRC/C/GC/12 p12

⁶ Lundy Laura, 'Voice is not enough: conceptualising Article 12 of the United Nations Convention on the Rights of the Child', 33(6) BRITISH EDUCATIONAL RESEARCH JOURNAL, 928(2007)

⁷ ibid

⁸ CRC/C/GC/12 p.6

⁹ Article 7

¹⁰ Para 7(9) and /32(1)

¹¹ Article 3

Local governments are more effective and legitimate if they involve citizens in decisions that concern them. That people should be entitled to voice opinion, express dissent and argue for priority is a vital element for rights framework. Meaningful participation empowers them to take decisions and accept decisions taken by those who represent them.¹² Child participation is 'the very essence' of the process of creating communities where the rights of children are respected.¹³

Article 12 includes the rights of children to play an active role within their communities. The international position is that local governments should contribute to implementing children's rights and ensuring their protection.¹⁴ The Committee on Rights of Child has on numerous occasions stated that the best interests of the child have to be taken into consideration in policy decision making at all levels including local authorities.¹⁵ The UNICEF having recognised the growing responsibility of local authorities in the well being of their citizens as a result of decentralization in countries across the world, encourages the creation of a "local system of governance committed to fulfilling children's rights".¹⁶ The quality of decision making concerning children are enhanced by their participation. The views expressed by children may add relevant perspective and experience and should be considered in decision making, policy making, preparation of law and measures as well as their evaluation.¹⁷ A commitment to children's participation involves recognition of children as a source of strength and opportunities for local communities, rather than a problem to be resolved.¹⁸

The Committee on the Rights of Children encourages the support and development of initiatives, including the growing number of local youth Parliament, municipal children's councils, ad hoc consultations etc.¹⁹ However they warned that "these structures for formal representation participation in local government should be just one of the many approaches to the implementation of Article 12 at the local level, as they allow for relatively small number of children to engage in their local communities. So there should be adequate care taken to see that those children who are not involved in these structures are not marginalised."²⁰

Next we can look into some of the child led initiatives at local level which made a huge difference not only to their status but gave a new impetus to the governance pattern due to the their ingenuity and sincere involvement in not only matters that concerned them but those that were beneficial to the society in general.

Children's initiative at local levels

¹² *International Council for Human Rights, Local Government and Human Rights:Doing good service at* www.ichrp.org

¹³ UNICEF, *BUILDING CHILD FRIENDLY CITIES:A FRAMEWORK FOR ACTION*, Innocent Research Centre.1(2004)

¹⁴ Riggio E *Child friendly cities:Good Governance in the best interests of the Child, Environment and Urbanisation*, 14(2),.49(2002)

¹⁵ Price Cohen.C,*Jurisprudence on the Right of Child*, Ardsley:Transnational Publishers,pp.373-379) .(2005

¹⁶ UNICEF,2004,*Building Child friendly cities: A framework for action*, Innocent Research Centre,p.1

¹⁷ Committee on Rights of Child ,2009,para12,Genera Comment 12,*The right of the child to be heard* available at http://www.ohchr.org/English/bodies/CRC/docs/advance_versions/CRC-C-GC-12.doc)

¹⁸ *Every Child's right to be Heard: A Resource Guide on the UN Committee on the Rights of the Child*, General Comment 12,UNICEF,Save the Children, Verizon Lansdowne,2011,available at www.UNICEF.org)

¹⁹ *ibid*

²⁰ CRC,2009,para127

The children's councils in Tanzania is indeed a symbol of revolutionary practices at local levels of governance. Though initiated by adults these councils are child led organisations and the members are elected by children themselves.²¹ Seats are reserved for the most vulnerable children if they are not elected in the normal course of elections. The Councils do not have permanent funding and they raise fund for each activity. Main source of funding has been Save the Children, with local authorities also providing assistance but on an inconsistent basis.²²

Children identified adults as significant actors in the functioning of the courts. Four main adult roles were identified- adults as partners in the creation of the council, adult as advisors, adults as supporters in functioning of the councils and adults as gatekeepers. The role of the council's guardian is the most important one as they are appointed from amongst the local government officers ,thereby creating a formal link between children's councils and local governance structure. Depending on the status achieved by the Council, the guardian is appointed by the local government or is elected by the children.

The study clearly indicated that there were a number of ways in which the local government officials interacted with the children- including providing of advice and logistical support, supervision of election, capacity building and training in children's rights, invitations to the councils to attend local government meetings etc which in turn made the officials more aware of the problems faced by the children and hence greater protection to them.²³

Child involvement at local levels can take different forms. For example hundreds of young people aged 12 to 17 years have been elected to child municipal councils in West Bank and Gaza and are working with mayors and other city officials as well as parents, teachers, school officials and neighborhood councilors to take positive action in their communities. The councils are all the more remarkable given the military occupation which restricts personal freedom and prevalence of violence .²⁴

Nepal with the support of UNICEF, has taken a key initiative in Child friendly Local Governance, which seeks to put children at the core of the development agenda in local bodies, line agencies and civil societies. At the local level, the CFLG has been rolled out in 39 districts,15 municipalities and 300 VDCs. Children are making their voices heard through 13,291 active child clubs in over 52 districts ,and as members of 40,000 Ward Citizens Forums as well as in VDC,DDC and Municipal planning committees. Municipalities have started , looking at the processed of development through the lens off the child wherein children are encouraged to participate.²⁵ Another exercise which also wielded success was a child clubs initiative in Nepal. Here child clubs have organised themselves to tackle issues as wide ranging as discrimination against girls in respect of education, child marriage and drinkers in the house and its impact on levels of violence and harm to children.²⁶ Child clubs in Biratnagar,which is the second largest city after Kathmandu have helped the municipality identify children missing out on education and immunization. These child club members also helped increase the

²¹ all children(persons below 18 years) may become members of the council.

²² Media Couzens and Koshuma Mtengeti,Creating Space for Child participation in Local Governance in Tanzania:Save the Children and Children's Council,Research report 11/1,Dar es Salaam,REPOA at www.repoa.or.tz

²³ Ibid

²⁴ Children's Municipal Councils in Occupied Palestinian Territory, UNICEF ,MENA,2005

²⁵ Raksha Sharda, Why India should imitate Nepal's initiative on child friendly governance, <http://www.dnaindia.com/India/standpoint-why-india-should-emulate-nepal-s-initiative-on-child-friendly-governance-2007656>

²⁶ J. Rajbhandary,R.Hart and C Khatiwada,The Children's Club of Nepal:A Democratic Experiment, Save the Children, Kathmandu ,1997

enrollment of Muslim girls who had not been attending school due to school's restriction on school uniform.²⁷

Children can also be involved in investigating local hospitals and health services, the police and schools, to monitor whether they are complying with the principle and standard of UNHRC. For example in a local borough in London ,a locally elected children's Parliament has consulted with other children to develop indicators against which to measure whether schools and hospitals are providing services which are acceptable and accessible to children.²⁸

Sweden was among the first countries that signed and ratified the CRC in September 1990. Based on the municipality's vision of individual being in the centre, three perspectives are always included in all municipal planning and decision making: child perspective, where children's rights and opportunities, based on CRC is focal.²⁹ In terms of involving children in decision making and planning, summer internships have been offered to adolescents, in cooperation with the Swedish Academy on the Rights of the Child. The youth are given opportunities to take part of municipal planning and also receive education in the CRC.³⁰

A very bold step taken by Serbia in this matter is worth mentioning. Realising that young people in Serbia were not involved in decision making at local levels, Serbia set up the Action Plan for the Implementation of the National Youth Strategy for the period 2008-2014 .The objective was to encourage young people to actively participate in society. According to this plan the State should provide finances ,peer youth education, the establishment of youth centers at local community level that will actively work to provide services to young people for active participation in the local community, improve the quality of youth work, increase awareness etc.³¹

The children's council in Barra Mansa grew out of series of municipal programmes in 1997, supported by Barra Mansa Council and UN Urban management programme for Latin America and Caribbean on the theme 'Citizenship knows no Age', The initial programmes included awareness raising activities on consumer rights ,tax collection and public budgets. These programmes led to a wider service of assemblies at neighborhood, district and municipal levels in which child representatives between the age of 9 to 15 years are selected by their peers .At the municipal level, there are now 36 elected child councilors of which 18 are girls and 18 are boys. Representative must be school going children aged 9 years and above .A proportion of city budget is reserved for them to allocate on projects and facilities. Over time these have included repairs to equipment in public schools, improvement of playground facilities. Supportive adults have played an important role in these arrangements. They are drawn from city councils itself, mayor's office, municipal secretary of education, neighborhood councils etc.³²

Indian experience

²⁷ Supra n.25

²⁸ Supra n.2

²⁹ The implementation of the Convention on the Rights of the Child- A Study of 3 Municipalities in Sweden, Sanaz She in holes lamasery, School of Global Studies, Gothenburg University,2012)

³⁰ *ibid*

³¹ <http://www.oknis.org.rs/wp-content/uploads/2013/03/Participation-of-Children-and-Youth-in-Serbia-from-Right-to-Speak-to-Right-to-be-Heard> PDF

³² Guerra E , 'Citizenship knows no Age: Children's participation in the Governance and Municipal Budget of Barra Manda, Brazil', Children, Youth and Environment, Vol 15, no2, 2005, pp151-168

India has also made tentative steps in engaging children in matters affecting them. In 1999, UNICEF initiated children's panchayats in association with Government of Rajasthan. The children's panchayat follows government model of one third of seats reserved for girl child, with special representation for SC and people with disabilities. The children come from different villages and meet once a month. In the villages of Ajmer district, children's panchayat decided that tobacco additive was a problem. They asked shopkeepers not to sell tobacco to children who came to buy it for their father, because after a while children became curious and tried it themselves. The adult panchayat supported this decision, by levying a fine of Rs 500 on every shopkeeper who sold the tobacco to children. The money went to children panchayat.³³

Another project titled 'Gram Shakti' was launched in March 2007 in all 1,030 village in Toni district, close to Jaipur, the capital city of Rajasthan. It is implemented by 6 NGOs in 6 blocks of the district and overseen by the national level NGO, Nehru Yuva Kendra. As part of village planning process, 54 child reporters was nominated by community as volunteers mainly to create awareness and thus initiate development. They were in the age group of 11-18 and selected out of 27 schools from two blocks. Armed with identity badges the young reporters returned to their villages and interacted with panchayati raj representatives, school principal, health functionaries and brought to their notice various problems faced by community regarding routine immunization, education, agriculture and water supply.³⁴

Bhima Sangha is a union of child workers created in 1990 in the State of Karnataka. In 2004, this organisation involved 13000 children. Bhima Sangha was created to enable working children to contribute to decision making process affecting them. Acting collectively, children gained access to services that were otherwise not accessible on an individual basis. More recently Bhima Sangha has moved from ad hoc intervention to consistent involvement in decision making at village level.³⁵ Such involvement was facilitated by the formation of local task forces in 1995. The task forces consisted of elected village representative, local government officials, representative of children and their parents and a representative of the CWC. The president of the task force is also president of local government structures. This ensures that child connected matters raised at task force meetings are later discussed in the local government structures. CWC and Bhima Sangha have also created Makkala Panchayats. Children sitting in these are elected. Places are reserved for girls, working children, children in school and disabled children.³⁶ In panchayat children discuss the issues which affect them and which they want to raise with the task force. Through Makkala panchayat, children have lobbied with government for infrastructure development. For example children lobbied for schools in 3 local areas. In other areas, children lobbied successfully for footbridges and water taps.³⁷

These are examples of few experiment carried out in India to ensure the right to be heard and participate for children. We have seen how other countries across the world are seriously making efforts to ensure child participation at local levels. Many experiments continue to be initiated and controlled by adults. Even in those countries that have achieved the most, participation has been piecemeal and insufficiently integrated into all areas of young people's lives. Many adults are still reluctant to accept that the children can make valuable contributions

³³ Adapted from India State Party Report to the Committee of Rights of Child, CRC/C/93/Add.5, 16, July 2003

³⁴ Child reporters take up social issues in Rajasthan villages at <http://www.unicef.org.India/children-3811.htm>

³⁵ Supra n.22

³⁶ Giske A, Literature Review, Bhima Sangha and Makkala Panchayats: Chroniclers of our own histories, The international institute for Child rights and development, Canada, 2003 <http://www.uvic.ca/iicrd/graphics>

³⁷ O Kane. C, Children and young people as active citizens: Highlighting positive impact, Save the Children, South and Central Asia region, 2003, at p.21

and hence their involvement in decision making is rarely sought. In India ,it is still at a nascent stage with fewer efforts taken in this matter. It is time for India to take serious steps by making children's participation a regular matter at least at local levels and then gradually integrate them at all levels of decision making.

Suggestions

Local authorities need to introduce and support initiatives involving children, provide funding where necessary and take account of the views that are expressed through these mechanisms.

Involve the representation of children and young people in local bodies, authorities, councils that have jurisdiction for eg in education, child protection, protection of environment

To start with many patterns of child participation can be adopted at local level. Only important criteria is that it should not become a temporary exercise and must make the involvement of large number of children possible

Organise targeted consultation with children from the community on local issues. Their comments can be invited on plans for schools, playground, parks etc

Invite the representatives of youth to sessions and meetings organised by local self governments.

