

ENHANCING CHILDREN'S PARTICIPATION IN POLICY FORMATION

Barbara Bennett Woodhouse *

I. INTRODUCTION: A WORLD FIT FOR CHILDREN IS A WORLD FIT FOR EVERYONE

“A world fit for children is a world fit for everyone.”¹ This phrase, coined by the children and youth of the recent U.N. Special Session, captures an enduring truth. A child-centered approach to policy formation, by addressing the needs of the most vulnerable and fragile, benefits all the creatures who share this planet. Recently, there has been a movement towards a more “child-centered” approach to defining laws and policies. A child-centered approach has a number of key components: (1) it approaches problems from the child’s perspective, focusing on the child’s own lived experience; (2) it incorporates children’s voices and children’s leadership; (3) it treats children as presumptively capable of participation rather than presumptively lacking in capacity; (4) it is inclusive, embracing all children and their families as our own; (5) it is developmentally sound, taking into account children’s unique needs, and respecting their cognitive and physical development; (6) it is interdisciplinary, bringing all relevant expertise to bear on problems of children and youth.

One component is the integration of children’s voices into law and policy formation. As lawyers and judges, we provide children with an opportunity to be heard in person or through appointed counsel. We create child-friendly courtrooms and evidentiary standards that make it easier for children’s voices to be heard. As professors and activists, we invite children and youth to participate in conferences such as this one. At the Center on Children and the Law, which I direct, we post artwork of children, we invite children to attend and speak on panels, and we

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1. See *infra* Appendix.

commission cinematographers to create videos documenting children's viewpoints. These steps are only a beginning. There is much to be learned about how to include children as real partners in policy-making and implementation. In my paper, I will focus on what I learned at the U.N. Special Session in May 2002 about enhancing the role of children and youth as leaders and collaborators in the development of a truly responsive, child-centered law and policy agenda.

II. ENHANCING CHILDREN'S PARTICIPATION IN POLICY FORMATION

Historically, policy makers have given lip service to the concept that children have special rights and interests of their own. But too often, those in power have defined rights for children in an adult-centric manner that ignores children's reality and children's lived experience. Children's rights are essentially defined from an adult-centric perspective as whatever rights adults think children should have. Not surprisingly, adults have often preferred that children be "seen and not heard," and have left them out of the policy-making process. As a result, legal systems exhibit an exaggerated deference for adults' authority and control and too little respect for children's capacities for feeling, comprehension and leadership.

Scandinavian countries pioneered the solicitation and inclusion of children's perspectives through the use of an Ombudsman for Children. An ombudsman can listen to children and convey their concerns to the polity, assuring that children's issues remain high on the agenda. My focus here, however, will be on methods for bringing children and youth directly into the process of policy formation where they may function, to the greatest extent possible, as equals with adults.

A. The U.N. General Assembly Special Session on Children and the Role of Youth Representatives or "U-18s"

The term "under eighteen" or "U-18" took on new meaning for me in May of 2002. As leader of the delegation from the American Bar Association (ABA), the principal non-governmental organization (NGO) representing U.S. attorneys, I was privileged to attend the U.N. Special Session on Children, held May 8 through May 10, 2002, at the U.N. Headquarters in New York. I have attended many large conferences around the world. This conference was unique. More than 360 children ages twelve to eighteen attended and actively participated in the conference. The normally hushed and dreary underground passages of the U.N. building were packed with exhibits about children, young people of every nation mingled and exchanged information, queues of kids formed at a bank of computer terminals, and young people were everywhere, giving honesty, vitality, color and energy to what might otherwise have been gray and stolid proceedings. As Carol Bellamy, the Executive Director of UNICEF noted, "They made an enormous impact on everyone who met them, from heads of state on down. They presented a very clear and united view of their aspirations and their expectations. I

can't imagine ever going back to summits on children's issues without young people there to represent their own experiences, views, and outlook."²

The Special Session brought together heads of state, government leaders, and NGOs to measure the progress that had been made since the World Summit for Children in 1990, where children played a limited and relatively passive role. One delegate described it as "handing pens to the adult delegates so they could sign documents."³ This time around, children were more systematically included in the preparatory work for the Special Session and in the Special Session itself. Examples of youth involvement in preparation for the Summit included the World Youth Forum in Dakar and the Children and Young People's Forum in Vientiane, both in July of 2001. Children also played a formal role at the Special Session itself.⁴ The U-18 delegates to the Special Session were selected by a variety of means and served in several capacities.⁵ Each nation and each NGO could include two U-18s in its delegation.⁶ In some countries, children had been chosen during national and/or regional youth forums. In others, they were nominated by government leaders. From May 5 through May 7, 2002, children from both official and NGO delegations met in a "Children's Forum."

The Children's Forum issued a message entitled *A World Fit for Us*.⁷ Tom Burke (UK delegate, age 17) had this to say about the challenges facing the Children's Forum: "It is difficult when you have got 362 children from all across the world who speak in different languages and are all tired from jet lag. To put them in a room and ask them to agree on one thing is very difficult."⁸ The heart of the message that emerged from their deliberations was: "We want a world fit for children, because a world fit for us is fit for everyone."⁹ But the message goes into great detail on issues identified by children as most important, and among these is their vision of enhanced and meaningful participation. "We see the active

2. Many of the quotes I use in this article, while also carried in the mainstream press, are drawn from reports of young journalists attending the Special Session. Much of the youth coverage was published on the web, including this piece by Michael Leathem and Jasmine Stewart (age fifteen), Amy Magowan-Greene (age thirteen), and Gavin Mather (age twelve) entitled "If We Ruled the World . . ." published by Children's Express, at www.childresexpress.org/dynamic/public/if_we_ruled_120502.htm (last visited Aug. 9, 2003).

3. Khawlah Mian, *The Issues Affect Us All*, YOUNG PEOPLE'S PRESS (quoting Resham Patel, American delegate, age sixteen), at <http://www.savethechildren.org.uk/summitup/links.html> (last visited Aug. 9, 2003).

4. Two U-18s addressed the General Assembly and two or more U-18s were on each roundtable or plenary. Others participated as members of the audience, giving comments and asking questions.

5. See <http://www.unicef.org/specialsession/under-18/index.html> (describing U-18 participation) (last visited Aug. 9, 2003).

6. *Id.*

7. See *infra* Appendix.

8. *Tom's Child Rights Battle*, CHILDREN'S EXPRESS (May 13, 2002), at http://www.childrens-express.org/dynamic/public/toms_child_rights_130502.htm (last visited Aug. 9, 2003).

9. See United Nations, Special Session on Children (2002), available at <http://www.unicef.org/specialsession/under-18/index.html> (last visited Aug. 9, 2003).

participation of children; raised awareness and respect among people of all ages about every child's right to full and meaningful participation, in the spirit of the Convention on the Rights of the Child; children actively involved in decision-making at all levels, and in planning, implementing, monitoring and evaluating all matters affecting the rights of the child."¹⁰

As the U-18s pointed out, too often adults have trivialized children's participation, treating it as symbolic rather than as an important part in identifying the substance of an agenda and in implementing that agenda. Children are demanding to be heard and the threshold question they are posing for adult policy-makers is this: how can we adults go about creating a true partnership with children and young people? A child-centered perspective suggests that we should involve children in answering this threshold question.

In preparation for the U.N. Special Session, Save the Children, an NGO that works with children and youth internationally, met with some 2000 children and young people from around the world. They asked these children about the importance of participation and about barriers to participation. Their report formed the foundation for a roundtable on youth participation.¹¹ The findings of this study confirm many of my own intuitions and experiences. I agree with Save the Children and the young people they interviewed that children and youth have both pragmatic and moral claims to inclusion in the process of policy formation. They are the most important stakeholders, they have direct experience of the situations at issue, and they represent a diversity of voices. We all know that children must buy into solutions if they are to be successfully implemented. The child welfare world is littered with the wreckage of well-intentioned programs designed by adults but irrelevant to children. In addition, children and youth have moral and legal claims to inclusion. Article 12 of the U.N. Convention on the Rights of the Child (CRC) recognizes the right of children to be consulted in all decisions that affect them.¹² While the United States has not ratified the CRC, and its representatives at the Special Session exhibited outright hostility to the CRC, I would argue that U.S. constitutional principles clearly recognize the rights of all individuals to be heard as an element of Fourteenth Amendment guarantee that states will not deprive persons of life, liberty or property without due process.¹³

10. *Id.*

11. *Shaping a Country's Future With Children and Young People*, in SAVE THE CHILDREN, at [http://www.childrights.org/pahome2.0.nsf/6b9cc825455bcb7788256a730065d026/46d1acfac802e91088256c93007ada25/\\$FILE/Summary%20Guide%20for%20Governments.doc](http://www.childrights.org/pahome2.0.nsf/6b9cc825455bcb7788256a730065d026/46d1acfac802e91088256c93007ada25/$FILE/Summary%20Guide%20for%20Governments.doc) (last visited Aug. 9, 2003).

12. U.N. Convention on the Rights of the Child, G.A. Res. 44/25, U.N. GAOR, 44th Sess., at Art. 12, U.N. Doc. A/Res/44/25 (1989), available at 28 I.L.M. 1448, 1461 (1989). The Convention on the Rights of the Child was adopted and opened for signature, ratification and accession by General Assembly resolution 44/25 of 20 November 1989. It entered into force 2 September 1990, in accordance with article 49. *Id.*

13. See *In re Gault*, 387 U.S. 1 (1967) (stating that the 14th amendment is not for adults alone).

B. Barriers to Participation

Discrimination based on stereotypes: Children felt that adult decision-makers needed to be educated to understand and appreciate the role of U-18s. Many adults harbor stereotypes about children as silly and petty. When exposed to children who are taking a leadership role, acting with great capability and judgment, adults tend to assume that the child before them is unique and exceptional. Alternatively, they assume that the child must be incapable of forming his or her own views and must be parroting adult indoctrination.¹⁴ Such attitudes, which we would condemn if applied to women or persons of color, prevent adults from accepting children as bona fide "representatives" of their group.

Language barriers and the use of jargon: Linguistic barriers may exist, even when people of different generations share a common language. Many adults have acquired the habit - often at great expense and with addition of initials such as J.D., Dr., or Esq. to their names - of speaking in jargon. Obscure language gets in the way of communication with children. In order to maximize children's participation, we must translate documents and discussions into child-friendly language and utilize child-friendly modes of communication. NGOs and children at the U.N. Special Session produced several excellent examples of child-friendly documents in several languages.¹⁵ Children and youth used video-cameras and other artistic media to gather and disseminate messages.

Lack of education: While children may lack the knowledge base necessary to consider all aspects of an issue, they have the capacity to contribute meaningfully to discussion of the issue. They may need to be given basic factual information and briefed on how governments work and on how they, as children and youth, can interact with government. As adults, we take it for granted that we must "prep" for a meeting. Obviously, care must be taken to avoid indoctrinating or "brainwashing" and to present factual material as neutrally and reliably as possible and in a manner that is child-friendly and appropriate to the child's cognitive development. However, we must challenge the operating assumption that children's insights will be most pure when uncontaminated with relevant information. Such an assumption denigrates and trivializes children's potential contributions.

Lack of time and resources: While we think of childhood as a time for play and leisure, the fact is that children are very busy. School schedules, necessary work in and out of the home, and other obligations may prevent children

14. When I presented this paper to the World Conference of the International Society of Family Law in Oslo, Norway in August 2002, an American man in the audience rose and delivered a diatribe against the U.N., accusing me of misrepresenting the facts. Those children, he assured me, did not write the message from the Children's Forum. It was written by the U.N. Secretariat and the children were brainwashed into going along with it. Having spoken with Ms. Mitchie Topper, the UNICEF staffer who organized the Children's Forum, and having visited the UNICEF web site detailing the process the U-18 delegates used to draft positions and reach a consensus on language, I have concluded that if anyone was being brainwashed, it was my interlocutor.

15. See, e.g., Save the Children homepage, at www.savethechildren.org; UNICEF homepage, at www.unicef.org.

from taking part in public life. Even more than adults, who may well have disposable incomes of their own, child delegates must be given the time and the tangible support that enables them to participate.

Barriers to continuing communication: One of the most common complaints raised by children and youth about their past experiences at participation is that adults ask them a bunch of questions and then fail to carry through with any ongoing dialogue. Children need to be kept informed. Often, children felt that adults had failed to keep them up to date on important developments.

C. Strategies and Methods for Involving Children and Young People

Save the Children's report *Shaping a Country's Future*¹⁶ provides guidelines for inclusion of young people in the formation of National Plans of Action—the next step in implementation of the promises made at the 2002 Special Session. These guidelines will be useful in any situation where children's involvement is sought.

Clarifying Children's Responsibilities: Children must be educated about their responsibilities as well as their rights. They must strive to be responsible and disciplined, show respect for government officials, respect children who speak other languages or are of different backgrounds from themselves, be properly prepared, present realistic and practical suggestions and make sure they are well informed. While these guidelines are a crucial piece of the puzzle, it is clear that adults must bear responsibility for facilitating the child's participation.

Clarifying Adults' Responsibilities: Each child who attended the Special Session had a designated "accompanying adult chaperone" who was responsible for the child's welfare at all times. The Under 18 Participation Task Force of UNICEF provided a worksheet entitled "The Role of Accompanying Adults." The aim of these instructions was to enhance the child's participation while protecting the child from physical or emotional harm. The guidelines included a "Child Protection Policy" that emphasized respect for children's views while stressing the need to protect them from harm. It also included a "Code of Conduct" for the adult chaperone prohibiting use of hitting or humiliation, and prohibiting sexual contact between chaperones and their charges. While such guidelines are especially important when children and youth travel to other venues, they are relevant as well in all interactions between children and adults seeking to facilitate their participation.

Children's Suggestions on How Governments Can Involve Children: The following are some of the suggestions children offered to the Save the Children researchers about how governments might best involve them in developing policy:

- involve children from the very first moment and encourage them to stay involved;

16. See *Shaping a Country's Future*, *supra* note 11.

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- be clear about timetables and process so they understand what is happening at all points;
- provide children with information using child-friendly, simple language;
- provide outreach in a variety of media (radio, advertisements, TV, newsletters, etc);
- allow enough time!
- change adult procedures where necessary to encourage children's participation;
- be open about the resources available;
- create as many opportunities as possible to involve children; for example, going to schools and setting up forums and debates;
- give children regular and prompt feedback and keep them up to date;
- deliver on your commitments;
- fight corruption and dishonesty;
- use young adults as facilitators as well as experts;
- incorporate children's suggestions and acknowledge them; and
- make sure adults are trained in working with children and in child rights.

Children's Suggestions on How Civil Society Can Support Children's Involvement: As noted above, children, even more than adults, need tangible support if they are to be involved meaningfully in policy-formation. Structures and programs must support children through:

- access to information;
- access to resources;
- training in skills such as facilitation, negotiation, and advocacy; and
- opportunities to network with other children.

Parents, NGOs and other civil organizations have an important role to play. Suggested roles include:

- providing moral and financial support;
- persuading government that children's involvement is valuable;
- supporting capacity building with child-led and youth-led organizations;
- training adults to overcome their resistance to children's involvement;
- acting as an intermediary between children and government; and

- producing child-friendly versions of important documents.

Involving Young Children: Children under the age of twelve may require special support in order to avoid being marginalized or drowned out. Facilitators must try to:

- ensure that young children are given due respect in planning the process and setting the rules;
- organize fun activities such as a play, puppet show, video or drawing project;
- support older children in mentoring and explaining to young children;
- involve younger young people in the activities of older young people; and
- encourage parents to get involved and to work with their children.

Gender and Other Difference Issues In Youth Participation: The young people identified gender as an important issue. They were concerned about:

- assuring girls and boys would have equal access to power and leadership positions;
- making programs equally interesting and relevant to boys and girls;
- making sure all participants were committed to equality; and
- assuring that adults participating with them understand gender issues and will ensure equal participation.

Children also showed great sensitivity to members of marginalized groups. They noted the need for materials in languages, formats, and venues accessible to children who would otherwise be marginalized.

What Children Can Do to Involve Other Children: Children and young people had many ideas as well about how *they* could contribute to the involvement of other children. Many young people have significant experience in leadership positions. They drew upon their past experiences to suggest that children and youth could:

- invite government officials to meet with children's groups;
- write letters and organize petitions;
- prepare "alternative" action plans or proposals;
- mobilize children's committees, children's parliaments and children's groups;
- educate their parents and others about children's involvement;
- engage the media and provide interviews;
- organize public campaigns; and

- work with national and international NGOs to advocate that government listen to children.

III. DANGERS OF CHILDREN AND YOUTH INVOLVEMENT

Having argued in favor of inclusion of children in policy-making, I would be remiss in failing to point out the dangers and down-sides of such inclusion. Children bring tremendous commitment and trust to the process, and are at risk of alienation and disillusion if adults fail to respond to their efforts. Many children and youths voice frustration and anger at the lack of progress in righting obvious wrongs.

Children are also brutally, and sometimes dangerously, honest. At the U.N. Special Session, a head of state who boasted that his country had overcome the problem of child soldiers kidnapped and forced to fight by militias, found himself contradicted by the youngest member of the panel. A youth from his own country testified that he himself had been kidnapped, and that many children were still held by the militia from which he had escaped. What happens to children who question adult authority? Sometimes they pay a heavy price, even in democratic societies not torn by civil unrest.

And finally, there is the danger that children will be brainwashed or their voices co-opted by adults with their own agendas. While I feel and have noted above that this danger is exaggerated, it is still a source of concern. No person of any age can be entirely free of outside influences—nor would we want them to be. We do not question the bona fides of an adult representative to a decision-making body because he or she grew up surrounded by liberals, conservatives or people who worshiped in a particular way. However, codes of adult conduct and protocols for adult involvement must make clear the proper role of facilitator, and where it crosses the line into manipulation and coercion.

Formally inviting children into the policy conversation will not eliminate all of the cultural barriers to taking children seriously. Once children are able to speak to their own concerns in their own voices, they will most likely encounter what women and minorities have learned to call a “glass ceiling.” Children, like other marginalized groups, have a long way to travel before the reality of effective inclusion catches up with the symbolism of token inclusion. Fortunately, unlike other marginalized groups, children’s status as children is temporary. The children of the 1990 Summit returned as the young adults of the 2002 Special Session and will attend as the wise old men and women of the year 2050.

IV. CONCLUSION

We have much to learn, and children have much to teach us, about how to involve our youngest citizens in the formation of laws and policies that affect them. Perhaps the most significant barrier to their participation is adults’ negative attitudes and adults’ unreasoning biases against children and youth.

As the U-18 delegates to the Special Session stated in their Message to the General Assembly:

We [the children] pledge an equal partnership in this fight for children's rights. And while we promise to support the actions you take on behalf of children, we also ask for your commitment and support in the actions we are taking—because the children of the world are misunderstood.

We are not the sources of problems; we are the resources that are needed to solve them.

We are not expenses; we are investments.

We are not just young people; we are people and citizens of this world.

V. APPENDIX

A World Fit For Us¹⁷

We are the world's children.

We are the victims of exploitation and abuse.

We are street children.

We are the children of war.

We are the victims and orphans of HIV/AIDS.

We are denied good-quality education and health care.

We are victims of political, economic, cultural, religious and environmental discrimination.

We are children whose voices are not being heard: it is time we are taken into account.

We want a world fit for children, because a world fit for us is a world fit for everyone.

In this world,

We see respect for the rights of the child:

- governments and adults having a real and effective commitment to the principle of children's rights and applying the Convention on the Rights of the Child to all children,
- safe, secure and healthy environments for children in families, communities, and nations.

We see an end to exploitation, abuse and violence:

- laws that protect children from exploitation and abuse being implemented and respected by all,
- centres, and programmes that help to rebuild the lives of victimized children.

We see an end to war:

- world leaders resolving conflict through peaceful dialogue instead of by using force,

17. See United Nations, Special Session on Children (2002), *available at* <http://www.unicef.org/specialsession/under-18/index.html> (last visited Aug. 9, 2003). *A World Fit For Us* is a Message from the Children's Forum, delivered to the U.N. General Assembly Special Session on Children by child delegates, Gabriela Azurduy Arrieta, 13, from Bolivia and Audrey Cheynut, 17, from Monaco on May 8, 2002. *Id.*

- child refugees and child victims of war protected in every way and having the same opportunities as all other children,
- disarmament, elimination of the arms trade and an end to the use of child soldiers.

We see the provision of health care:

- affordable and accessible life-saving drugs and treatment for all children,
- strong and accountable partnerships established among all to promote better health for children.

We see the eradication of HIV/AIDS:

- educational systems that include HIV prevention programmes,
- free testing and counseling centres,
- information about HIV/AIDS freely available to the public,
- orphans of AIDS and children living with HIV/AIDS cared for and enjoying the same opportunities as all other children.

We see the protection of the environment:

- conservation and rescue of natural resources,
- awareness of the need to live in environments that are healthy and favourable to our development,
- accessible surroundings for children with special needs.

We see an end to the vicious cycle of poverty:

- anti-poverty committees that bring about transparency in expenditure and give attention to the needs of all children,
- cancellation of the debt that impedes progress for children.

We see the provision of education:

- equal opportunities and access to quality education that is free and compulsory,
- school environments in which children feel happy about learning,
- education for life that goes beyond the academic and includes lessons in understanding, human rights, peace, acceptance and active citizenship.

We see the active participation of children:

- raised awareness and respect among people of all ages about every child's right to full and meaningful

participation, in the spirit of the Convention on the Rights of the Child,

- children actively involved in decision-making at all levels and in planning, implementing, monitoring and evaluating all matters affecting the rights of the child.

We pledge an equal partnership in this fight for children's rights. And while we promise to support the actions you take on behalf of children, we also ask for your commitment and support in the actions we are taking, because the children of the world are misunderstood.

We are not the sources of problems; we are the resources that are needed to solve them.

We are not expenses; we are investments.

We are not just young people; we are people and citizens of this world.

Until others accept their responsibility to us, we will fight for our rights.

We have the will, the knowledge, the sensitivity and the dedication.

We promise that as adults we will defend children's rights with the same passion that we have now as children.

We promise to treat each other with dignity and respect.

We promise to be open and sensitive to our differences.

We are the children of the world, and despite our different backgrounds, we share a common reality.

We are united by our struggle to make the world a better place for all. You call us the future, but we are also the present.