

Giving Children a Voice REFLECTIONS ON ARTICLE 12

"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, UNCRC

In order to be heard you must be listened to.

In order to have a voice you need to have a presence.

In order to be inclusive you have to be aware when we exclude.

I wonder if we really know how to listen to children?

If you stopped and listened what would you hear?

The Royal Commission into Child Sexual Abuse in institutions has provided an interesting and tragic insight into the voice of the child... it has historically not been heard.

The Royal Commission in taking victim statements identified that on average it is only in adulthood that victims of abuse have been able to come forward and have their voices heard. Many of the victims spoken to felt that they had, as a child, communicated to an adult their situation but it simply had not been listened to. A number of adults reported that as children they were simply not heard and so did not try to use their voice again.

The notion of giving children the right to be heard on issues that affect them is threatening to many adults. Yet, the right to a voice is a fundamental human right. For children they have the right to have their voices heard on matters that affect them, this should not be seen as threatening but rather an opportunity for children to live in a safe and supportive community, free from exploitation and abuse in its many forms.

Many of us may think we already live in a society where children are free to express themselves. However, the voices of children should not be limited to tokenistic inclusion of the academically gifted or those with sporting prowess. Our children deserve better than that.

The right of all children to be heard and taken seriously is one of the core values of the United Nations Convention on the rights of the child (UNCRC). Article 12 is one of the four general principles of the Convention, the others being the right to life and development, the right to non-discrimination and the right to have their best interests be of primary consideration in decision-making. These four principles should be seen as the cornerstone for the interpretation and implementation of all other rights in the UNCRC.

Article 12 of the UNCRC is a unique provision in a human rights treaty. Children lack the full autonomy of adults but through the UNCRC have human rights that stipulate

their legal and social status, and one of these rights is the right to have a voice on issues that affect them.

In implementing Article 12 there is an obligation on all of us to ensure that there are processes in place to solicit the views of the child in all matters affecting them and to consider those views seriously.



"How richer the world would be if we could honour the child by hearing their voice and ensuring that every child feels valued, listened to and protected."

The stipulation in the wording of the article that a child is "Capable of forming his or her own views" which means that we cannot begin with a deficit viewpoint and assume that a child is incapable of expressing their own autonomous views. It is not up to the child to prove they have the capacity, but for us to assume they have the capacity and ensure we have in place mechanisms to support them to express them.

"The right to express those views freely" as stated in article 12 means that children can choose to express their views or not express them without pressure or victimisation. This means that Article 12 requires the child's views to be based on their own perceptions, judgments and understandings and not the view of others. Children should be free to do this in a respectful and supportive environment, without fear of ridicule or shaming. This does not mean we should not inform children of options, issues and consequences of decisions. Engagement with children in active discussion and reflection is a critical element or precondition of successful and meaningful implementation of Article 12. Children should also be kept informed about the type of opportunities they have to express their views and how the adult will use this information.

The General Comment, written to complement Article 12, also imposes no age limit on the right of the child to express their

views, and discourages the introduction of age limits which would restrict the child's right to be heard in all matters affecting them.

This consideration of capability does not just extend to age but also ability and has far reaching considerations for children and young people with a disability. As a result, implementation of article 12 requires recognition and respect for non-verbal forms of communication including play, art, gestures and body language. By inclusion of these forms of communication we are able to assist children with a disability and very young children express their choices and preferences and demonstrate their understanding of these requests.

Article 12 also states that this expression of a child's views and opinions should be "In all matters affecting the child." It does not qualify or make judgments on which matters and we in turn should base this consultation with children on any matter that could be seen to affect the child.

When we reflect on the impact and meaning behind Article 12 we are talking about the authentic voice of children and meaningful

consultation and collaboration with them in their daily lives. Not the tokenistic display of the precocious child but the authentic voice of all children including those marginalised and on the perimeters of the community and those with a disability

The voices of our children can be shown not just through their words, but also through a myriad of different ways. Our role as adults is to listen to them, consult with them, inform them and hear them, in whatever form they choose to communicate with us.

How richer the world would be if we could honour the child by hearing their voice and ensuring that every child feels valued, listened to and protected.

Are you listening?

"I strongly believe that the child's voice must be privileged in relation to play and all other matters affecting them, because by listening to children, we learn about their feelings, about their needs and what will work for them."

- Megan Mitchell,

National Commissioner for Children
Address to ECA/CCSA conference

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