

“Making Child Participation a Reality”

“To participate is to emerge from myself. To participate is to seek myself amongst others. To participate is to act in order to contribute to the enhancement of others; my life also becoming enhanced as a result. Children and adolescents are others, different from adults; they are not myself, and any attempt – even well-intentioned – to incorporate them into my adult forms of social presence and decision-making entails the grave risk of being unaware of them and of alienating them.”¹

¹ Quoted by CALDERON DAVID, who was referring to Octavio Paz. In *Dejarnos inquietar: La Participación de Niñas, Niños y Adolescentes* (“Allow Ourselves to be Concerned: Child Participation”). A presentation on child participation policy at the 20th Pan American Child Congress. Lima, 2009.

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PRESENTATION

The tenth anniversary of the signing of the Inter-American Democratic Charter, which took place during the special session of the General Assembly, held in the city of Lima, Peru, in 2001, was commemorated on 11 September 2011. The Democratic Charter (OAS, 2001) is not restricted to defending democracy as a form of electoral choice, *“but identifies it with a number of values and rights, which reaffirm that the promotion and protection of human rights is a basic prerequisite for the existence of a democratic society”*. In its Article 6, it establishes that citizen participation in decisions relating to their own development is a right and responsibility. This is also a necessary condition for the full and effective exercise of democracy. Promoting and fostering diverse forms of participation strengthens democracy.

Along the same lines, General Comment Nº 12 of the Committee on the Rights of the Child states: *“If participation is to be effective and meaningful, it needs to be understood as a process, not as an individual one-off event.”*

In this context, the IIN has been in favour of working jointly with the member states of the OAS towards the development of State policies in the matter of child rights. One of its priorities has been to generate measures to advance the right to participation and citizen education for children (Action Plan 2007-2011, IIN). These actions promoted by the IIN, together with the States, represent a guiding framework which enables organizing and aiming current and future public initiatives towards making political systems for the promotion and protection of child participation a reality. This can be effected either by the legislative reforms needed in order to bring about an ethical as well as a regulatory visualization of children as social stakeholders, or by creating comprehensive, intersectoral and decentralized strategies, which will set in motion plans, programmes and projects in order to promote and guarantee participation.

We are particularly grateful to the Canadian International Development Agency – CIDA, which made it possible to publish this guide, which constitutes a reflection of our commitment to facilitate discussion and respond to the needs of persons and agencies devoted to giving shape to proposals or initiatives in favour of guaranteeing children’s right to participate, and thereby contribute to the promotion and protection of child rights in the Americas.

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INTRODUCTION

A number of papers dealing with child participation have acknowledged the high value of children exercising their citizenship, which fosters the development of their personality and identity, generating a recognition of themselves as social stakeholders who are protagonists in their present and creators of their future. This acknowledgement also makes it possible to determine their level of responsibility with regard to their peers, their families and their community as a whole, in which opinion is not only exercised as the basis of their being, but as an instrument which contributes to the construction of their citizenship and democracy. We can, therefore, begin by stating that child participation is becoming a reality in the region.

After the signature of the Convention on the Rights of the Child (CRC) in 1989, countries and international organizations – governmental and non-governmental – initiated processes for the promotion and protection of the right to participate at different levels, thus asserting their acknowledgement of the citizenship of children. For America, the inclusion of participation on the political agenda was led by the Organization of American States, which has been implementing several different initiatives in order to inform and support the States in defining and performing actions in favour of this right.

A compilation of the principal events generated by the governments makes it possible to indicate that the States are highly committed to acknowledging and guaranteeing the right to participate of children; it is clear that the CRC has been genuinely incorporated and does not merely constitute the political will of the States.

For the IIN, the subject gained increased strength in its Action Plan for 2007-2011², as part of the agreement between the States of the region, specifically defining its objective as the generation of “actions in favour of the right to participation³ and civic education for children”.

The year 2008 was fixed as the starting point of the process. In April 2008, the Inter-American Children's Institute (IIN), as an OAS Specialized Organization in policy for children, and with the collaboration of UNICEF, held an Inter-American Child Forum in Querétaro, Mexico, entitled “My Right to Participate”. This forum constituted an opportunity for the exchange of ideas on participation in the region for the 35 participating children from 13 States.

Subsequently, at the 83rd Regular Meeting of the Directing Council of the IIN, which took place in Ottawa, Canada, in October, 2008, the agenda for the Twentieth Pan American Child Congress to be held in Lima, Peru, in September 2009 was approved, focusing on the discussion of four main focal points: the commemoration of the 20th anniversary of the Convention, international cooperation, public policy for care systems and child participation. A working group on child participation was formed, composed by twelve countries.

Prior to the Twentieth Pan American Child Congress, the First Intergenerational Meeting of the Child Participation Working Group was held in Quito (2009), with the participation of 23 children

² It is our institutional Action Plan, approved every four years by the Directing Council of the IIN – on which all of the States are represented – that contains our navigation chart.

³ Visit www.iin.oea.org and www.nuestravozacolors.org where you will find the papers produced by the IIN in this area: framework of reference on participation, indicators menu, information regarding the 1st Pan American Child Forum (Peru, 2009).

from 10 States in the region, in order to define the forms of intervention of the adolescents attending the Twentieth Congress, a space traditionally reserved for State authorities, technicians and diplomats. Thus, the First Pan American Child Forum was born. On that occasion, the IIN was assigned the task of developing the specific methodology to be used at the forum, of creating a website and of systematizing the successful participation experiences implemented in the region. This would lead to a framework of reference based on the experiences presented by the States, with an emphasis on the trend towards policies to foster this right.

The First Pan American Child Forum (Lima, Peru, 2009), in which 61 children representing 22 American nations participated, was the specific outcome of this programme. At this event, children exchanged information and drafted a summary based on their own experience of rights, particularly participation. They worked collectively, with the support of specialized facilitators from the entire region. As a result, it was resolved by the plenary of the Twentieth Pan American Congress, "To welcome the conclusions of the First Pan American Forum of Children, viewing the Forum as a qualitative advance in the exercise of their rights on the commemoration of the 20th Anniversary of the Convention on the Rights of the Child".

In addition, a significant contribution to the promotion of participation arose from the Fifty-First Session of the Committee on the Rights of the Child and was published in October 2009 (Geneva). This is known as General Comment Nº12 and provides a definition of child participation, underscoring the importance of coordinating capacities between each other and as a process:

"This term has evolved and is now widely used to describe ongoing processes, which include information-sharing and dialogue between children and adults based on mutual respect, and in which children can learn how their views and those of adults are taken into account and shape the outcome of such processes."

Further to the agreements reached at the Twentieth Pan American Congress, during the 85th Regular Meeting of the Directing Council held in Panama, in 2010, Resolution CD/RES.04 (85-R/10) was adopted, which indicated that during the celebration of every Pan American Child Congress, a Pan American Forum of the Children of the Americas would be held as an occasion for the promotion of participation so that children could contribute to and influence the subjects which concern and affect them.

It was also established that notice must be given to the Pan American Congress, of the recommendations issued by the Pan American Child Forum of the Americas. These recommendations will be included in the official documents issued by the Pan American Child Congress. At the same time, it was resolved to "suggest to the Member States of the Organization of the American States – within the framework of current legislation and constitutional norms – [to] **establish Consultative Councils** of Children, as inclusive participation circles, favouring the design and implementation of public policy to be executed by the authorities". Lastly, the General Directorate of the IIN was enjoined to provide follow-up to this resolution, include it in its Action Plan and provide technical assistance to those States that may require it.

In May 2010, the Third Regional Child Participation Meeting was held in Uruguay. On this occasion, the Participation Framework of Reference was launched, after being validated by the States at the Second Meeting of the Work Group on Child Participation (Panama, 2009), and the "Proposal for an Indicators Menu to Measure Child Participation" was discussed, with the purpose of

establishing a number of indicators with which to observe, measure and determine a valuation of this right in the initiatives which may be implemented in the future.

The final version of the Indicators Menu was presented during the fourth meeting of the work group – Intergenerational Participation Meeting (Colombia, Nov. 2010). On this occasion, the objective was to carry out an intergenerational meeting in which to share and reflect upon experiences, emphasizing consultative means of discussion, and recognizing child participation in subjects which concern them. The meeting was attended by 25 adolescents, representing 13 Member States. Together with this meeting, the first meeting of the Children’s Consultative Councils took place, and the experiences of the delegations from Ecuador, Peru and Uruguay were presented, in addition to those of Paraguay’s discussion assemblies (*Asambleas de Diálogo*).

The discussion it is attempted to generate will include the presentation of specific guidelines on the basis of the experiences which the States have been undertaking, thus showing the significant progress achieved with regard to the recognition of the right to participate. It is expected that this guide will contribute to the analysis and improvement of public and private commitment to guaranteeing the coverage, quality and diversity of programmes seeking to recognize and include children in their daily environments, as social stakeholders with opinions and capabilities.

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The promotion of child participation in the region

The promotion of children's right to participate is a substantial part of the process of acknowledging their citizenship and providing practical respect for their human rights; it thus determines the applicability of democracy as a reality. The task of informing, acknowledging, watching over and defending the right to participate is the responsibility of all of society's stakeholders and institutions, involving both the personal practices of children and the establishment of guarantees by the States. Thus, families, public and private institutions, local and international communities and the States, have different obligations which contribute to the legitimate recognition of rights and child participation. It is the duty of society as a whole, therefore, to incorporate the acknowledgement of child rights not only as a regulation, but as a lifestyle.

The Convention on the Rights of the Child (CRC) is the most complete human rights treaty and the framework for the promotion and protection of child rights. It was approved by the General Assembly of the United Nations on 20 November 1989 and came into force on 2 September 1990. Its regulatory significance lies in being the first treaty to include all of the rights related to childhood: economic, social, cultural, civil and political, and in acknowledging children no longer as "minors", but as social stakeholders. To this are added two elements which reaffirm the historical significance of the CRC: in the first place, it is a binding treaty; that is, its States Party have committed to fulfilling its stipulations. Secondly, the unprecedented fact that it is the treaty which has been ratified by the greatest number of countries. Most of the content quoted here reflects an appropriation of the CRC and how the States have implemented it, particularly with regard to the right to participate.

This guide seeks to provide information and encourage reflection in the area of promoting and guaranteeing the right to participate; particularly for people and State agencies in charge of promoting and protecting the rights of children. As this section is the first, it will attempt to outline practical definitions of child participation, on the basis of concepts, categories and basic criteria which have been pointed out in experiences presented by the States themselves, and which have been analysed for the purpose of discussion and learning.

UNIT ONE

Basic definitions regarding child participation

Over the last ten years a great deal of literature and experience has emerged in the region which gives an account of the variety of shades of meaning attributed to the term “child participation”. Although discussions and differences have been based on perspectives related to its elements or components, the fact is that they are all grounded on the Convention on the Rights of the Child (CRC), which is the framework used to define, implement and evaluate actions and guidelines, not only to encourage the promotion of the right to participate, but with regard to the question of acknowledging children as citizens. Some examples of these shades of meaning are the Paraguayan discussion assemblies – *Aty Ñomonguetarä* – which involve creating areas for opinion-sharing and organization for children with special features, which isolate or exclude them (child workers, known as *NATS*), or the recognition of participation as a socialization process which fosters citizen education, as expressed in the *A Participar también se Aprende* (We also Learn by Participating) experience, in Uruguay.

In addition, this same diversity of experiences also contributes to a deeper and specific analysis of the right to participate, making it possible to expose, explore and outline progress made, challenges remaining, achievements and expectations. Examples of this are the National Assemblies of Brazil, and the Twentieth Pan American Child Congress itself; events at which adults are traditionally the leading figures, and where adolescents have also become involved.

In this paper, we shall consider definitions arising from experience, as well as those which emerge from a specific understanding of the right to participate based on the CRC. A special contribution to these definitions will be provided by the children themselves. Thus, we shall attempt to foster identification, reflection and comparison of the dimensions and common criteria which give evidence of diversity, contributing to the search for agreement and responsibility regarding this right.

Definitions based on experience

A) *The children give “their opinion on their right to give an opinion”*

This review of definitions begins by recalling the justification of participation produced by the children in the Declaration of Cuenca (2004), showing the capacity and information they acquired as a result of the work of adults, institutions and sponsoring States. It is important to begin in this way because this represents a significant starting point in the promotion and protection of the right to participate as a responsibility of the States, but also because it marked the conclusion of a process of training, support and vindication of the rights of children, through the contributions of either the States themselves, or of civil society. This moment, therefore, represents a level of appropriation or empowerment with regard to children’s right to participate, as well as providing a guide for the guarantees that governments must provide.

“Participation is a right which is achieved through a process of individual and collective construction and struggle, with responsibility and organization, in order to ensure that the opinions and expressions of children and adults (irrespective of race, religion, physical capacity,

sex, political opinion or any other distinction) have a strong bearing on decision-making in all settings. This construction process must be based on horizontal relations, with respect, solidarity and excellence, avoiding any decorative, declarative or manipulative usage.” (Cuenca 2004)

One of the significant aspects arising from this definition is the duality of the term. In the first place there is an emphasis on its status as a right, which must be guaranteed by adults, but exercised with social responsibility shared by the children themselves. In addition, it is defined as a process which contributes to the achievement of the full enjoyment of the right, but requiring essential conditions for it to occur freely, without manipulation or declarative modalities of rights, thus showing the principal forms of violation this right undergoes. It should be stressed that this concept is not only meaningful because it arises from the opinion of children, but also because it clearly summarizes the contributions of the States and civil society.

B) The States state their interpretations of children's right to participate

The various experiences regarding the promotion of child participation which the States have undertaken have been shared and analysed by different means and at different times. Amongst these, the framework of reference (IIN, 2010⁴) provided an interpretation of the different definitions of participation which the States have implied in the various ways they put it into practice. Four different groups of definitions arise from this research:

- Participation seen as the implementation of cultural, artistic, sports and recreational activities which encourage integration and self-expression.
- Actions which promote the self-affirmation of children as rights-holders.
- Levels of protagonist or political participation, where children and their organizations are acknowledged as interlocutors of the States at different levels, taking an active part in decision-making.
- Participation as a principle that cuts across childhood policies.

While these forms of participation do not cover the full range of conditions which could endow this right with a comprehensive significance (such as the criteria underpinning representation and representativity or feedback for children's opinions), they do show that participation skills are grounded on processes involving learning, acknowledgement and respect for evolutionary features and social differences, constant communication and organization. For this reason, three major **components** are outlined in the framework of reference, which are necessary in order to exercise and guarantee the promotion and protection of participation:

- **Information:** this is understood as a right in itself, as well as a condition for participation. For it to be genuinely guaranteed, the source of information should be accessible, easy to understand and of good quality. Content should address the subject in question, as well as its background, the objective institutional framework, and the scope and limitations of the proposal.

⁴ IIN, Child participation in the Americas, 20 years after the adoption of the Convention on the Rights of the Child. A paper produced by Prof. Psic. Victor Giorgi at the request of the IIN; published in May 2010.

- Construction and recognition of their own opinion: Both individual and collective opinions are produced by reflection, discussion, exchange, synthesis and renewed problem-posing. "Without their own opinion, communication is empty and participation does not occur."
- Expression and listening: Freedom of expression calls for the availability of certain tools and the ability to handle language. "For expression to become a reality, there must be someone who listens", who should be respectful and receptive. Listening implies the existence of the will to decode the message and bear it in mind during decision-making.

C) Definitions complemented by civil society

It is private institutions which have promoted – in a comprehensive or differentiated manner – each of these components, relating them appropriately to the articles of the CRC. The IIN's paper on "The Child Participation Principle (2009)" identified several of these dimensions, related specifically to the recognition of participation as a right; previously referred to by Arnillas y Paucar (2006) and then by institutions such as CESIP (2009):

- Information. The freedom to seek, receive and disseminate information of all kinds (Art. 13).
- Expression. Refers to the right to express opinions freely (Art. 12). It is put into practice when handling communication skills, and in the active search for information and counselling.
- Opinion. This refers to the content of what is expressed, when children pronounce themselves on matters that concern them.

The component related to decision-making has not necessarily been reflected in the majority of the States' or civil society's experiences, since it also requires that policy designers be prepared for this. There is still some controversy in this area with regard to the boundaries of children's responsibility with relation to their inclusion in spaces which generally answer to adult models, or in view of the type of tools they require for their influence to be effective. The Ecuadoran and the Paraguayan experiences have made significant contributions in this regard, showing organizations of adolescents performing politically influential actions.

Most of these contributions show a strengthening of the components mentioned (information, expression, opinion and decision-making), which reinforces the meaning of participation as a right. However, on the basis of David Calderón's lecture (Lima 2009) during the Twentieth Congress, participation must also be understood as a cross-cutting element or guiding principle for the achievement of other rights, or for the acknowledgement of the citizenship of children. Both perspectives constitute a closer approximation to the comprehensiveness proposed by the CRC.

Participation is a right, as well as a cross-cutting principle; a dynamic element which enables us to achieve new benefits, exercise other rights and lead a decent life. We participate because we are a part of a whole, because in each of us there is the will to relate to others and form an “us” which is greater than the sum of individualities. Because it is so deeply enmeshed with personal and collective identity, it is prior and superior to any legal and formal schema: it is a human right.
David Calderón, *Dejarnos Inquietar: La Participación de Niñas, Niños y Adolescentes (Allow Ourselves to be Concerned: Child Participation)*, Lima 2009.

This first examination of experiences and interpretations shows four circumstantial and permanent elements in discussions regarding child participation.

1. The acknowledgement of the status of children as citizens and of their capacity to incorporate themselves into social and political dynamics. This puts an end to the concept of children as unfinished persons who suffer from certain limitations as a result of their age or cognitive development. This recognition is also related to the identification of situations which violate their rights, as well as forms of exclusion to which they are exposed.
2. It establishes a permanent and equitable dialogue with adults. All processes involving listening and giving opinions require certain attitudes and skills in adults too, and we are not necessarily trained in them.
3. There is an affirmation of respectful coexistence. The comprehensiveness of participation (as a right and as a principle) reinforces democratic coexistence.
4. It entails a process of development, the enjoyment of rights and the protection and promotion of participation. We have not all been encouraged to participate, so these experiences give evidence of methodological elements which contemplate an evolution in the exercise and guarantee of this right.

Definitions based on the Convention on the Rights of the Child

A) *Participation as a right*

The definition provided by UNICEF possibly best represents the interpretation of the rights contemplated in the Convention, because of its description of the different articles, which gives an account of children’s capacity and opportunity to receive information, give their opinions and influence decisions which affect them.

“Participation promotes the empowerment and capacity of children to be involved in the decisions and actions that affect them. It examines issues related to civil rights and freedoms including freedom of expression, thought, conscience and religion, association and peaceful assembly, the right to information and children’s right to express their views in matters affecting them.”

“The State of the World’s Children” Special Edition - Celebrating 20 Years of the Convention on the Rights of the Child (UNICEF) New York, NY 10017, USA. November 2009.

All of the experiences reviewed and mentioned show that the starting point is the Convention on the Rights of the Child, approved by the General Assembly of the United Nations in 1989. The right to participation is based on Articles 12, 13, 14, 15 and 17. Below is a brief

description of each right, as well as of the legal interpretation arising specifically from these articles; thus we shall see how the components described above begin to take shape. These interpretations have been taken from the papers arising from the fifty-first session of the Committee on the Rights of the Child (Geneva, 2009).

Article 12 of the Convention refers in general terms to the right to participate, showing that children can exercise their right to give their opinion in matters affecting them, according to age and maturity; endowing them with a certain level of empowerment with regard to the role of adults who must guarantee the fulfilment of their rights. This right is also important as a cross-cutting element in the fulfilment of all other rights, thus bringing into play its status as a principle, together with the principles of non-discrimination, life and the best interest of the child. Although significant progress has been made worldwide with regard to the application of this right, the Committee notes that it is still hindered by attitudes, as well as by political and economic barriers, even more so in the case of children who experience some form of marginalization. Therefore, it has been decided to thoroughly review the first paragraph of the article, on the basis of the contributions of the Committee on the Rights of the Child.

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.***

*For this purpose, the child shall in particular be provided the **opportunity to be heard in any judicial and administrative proceedings affecting the child, either directly, or through a representative or an appropriate body, in a manner consistent with the procedural rules of national law.***

The role of the States: “To Guarantee”

Specifically, the role of the States is determined by the acknowledgement and legislative implementation of the right, as well as by the creation of mechanisms seeking to inform, support and obtain children’s opinions; including providing for means of reporting, promoting and repairing this right. In this regard, in General Comment N° 12 of the Committee on the Rights of the Child, a number of legislative strategies are established, based on definitions and interpretations arising from the CRC. Such as:

- Review and withdraw restrictive declarations and reservations to article 12.
- Ensure appropriate conditions for supporting and encouraging children to express their views, and make sure that these views are given due weight, by regulations and arrangements which are firmly anchored in laws and institutional codes and are regularly evaluated with regard to their effectiveness.
- Provide training on Article 12, and its application, for all professionals working with, and for, children, including lawyers, judges, police, social workers, community workers, psychologists, caregivers, teachers at all levels of the educational system, juvenile prison officers, medical doctors, nurses, civil servants and public officials, social leaders and the children themselves.
- Combat negative attitudes, which impede the full realization of the child’s right to be heard, through public campaigns, including the media.

- Establish independent human rights institutions, such as children’s ombudsmen or commissioners.

In addition, with regard to the establishment of procedures, the States should:

- Take into account the opinions of children who speak collectively.
- Provide mid and long-term processes to allow children to exercise their right to be heard, incorporating permanent counselling and support methods.
- Ensure that children receive all of the information and advice they need in order to make decisions favourable to their interests, free of manipulation.
- Take into account the specific measures designed by the Committee with regard to civil and criminal judicial proceedings, as well as administrative proceedings.

The Committee also establishes five steps to be borne in mind in order to guarantee the effectiveness of the right to be heard in the different strategies implemented, taking specific contexts into account at all times.

- **Preparation** Children should be prepared to initiate a process of expressing their opinions. They must be informed as to how, when and where hearings will take place. Similarly, they must be informed about the impact that their expressed views will have on the outcome and about the option of communicating through a representative.
- Adults in charge of communicating with children should also be adequately prepared. This requires not only a willingness to listen seriously to their opinions, but the capacity to encourage trust so that they will feel free to speak openly. Obviously this strategy focuses on professionals and officials who come into contact with children and are involved in matters affecting them.
- Children’s capacity to form their own opinions independently should be recognized and borne in mind, as should their different styles of communication or expression, be it as a result of their age or cognitive maturity, or because of cultural characteristics.
- Children should be informed of the outcome of the process and should receive explanations regarding how their views were considered in the decisions which were made.
- Information should be provided regarding procedures available for complaint when their right to be heard is not being taken adequately into account, or is being violated. This implies knowing who the persons and institutions are and how to access them.

The capacity to form their own views

Understanding that children are capable of forming their own views, and not only in matters affecting them, is probably easier for professionals in the fields of education or psychology. However, it is not they who occupy public positions with responsibility for designing policies to promote children’s rights. Therefore, the assumption of children’s incapacity to form their own opinions is understandable in view of the existence of a mistaken perception of their cognitive limitations or limited experience.

In the face of this perception, we sustain that children are capable of expressing their opinions from a very early age, by means of a variety of forms of communication, stimulated by the support they may find in their environment and daily life. In this respect, non-verbal forms of

communication acquire particular significance, which goes beyond age: play, corporal language, facial expressions, drawing and painting are the principal means to show understanding, options and preferences. Part of the stimulation and empowerment of the right to form an opinion definitely depends on the evaluation or acknowledgement of such skills; which includes having special consideration for those who have difficulty in making their views heard, those who do not necessarily have an exhaustive knowledge of all aspects of a matter, or those who suffer some form of violence.

The right to express their views freely

For children to express their views freely, three specific conditions must be ensured. In the first place, the connotations of the term “freely” imply that children should be able to give their opinion whenever they feel it appropriate to do so and without any pressure, manipulation or undue influence, such as when they are subjected to an excessive number of interviews.

In this regard, it is the States’ responsibility to provide conditions and measures to encourage the free expression of opinions. However, an important aspect which should be guaranteed is providing information about the processes in which children’s opinions will be a part, as well as the consequences or impact of giving these opinions. The right to be informed is therefore an essential and complementary part of freedom of expression, since it empowers children and at the same time allows them to intervene in decisions.

In all matters affecting the child

This question, regarding matters that “affect” children has been (and continues to be) the subject of much discussion and many interpretations. Current understanding of child participation has gone beyond traditional areas of coexistence, such as schools, to include organized participation in community and public (political) settings, gradually attempting to effect transformations within the private sphere as well. Perhaps a first perspective of “matters affecting them” could involve the establishment, implementation or evaluation of policies or programmes promoting their civil, political, social, cultural and economic rights – those described in the CRC. However, we are now witnessing the development of children’s movements which express concern about the environment, sexual and reproductive rights or respect for their areas or territories. Global warming and HIV/AIDS are worldwide problems which also affect children. This perspective of matters affecting them could provide a new stage for child participation.

Another way of distinguishing the question of matters that “affect” them could, in fact, occur through the development of public policies. For example, by allowing children to decide whether they wish to intervene in designing laws or programmes, in their implementation or in their corresponding evaluation. This could even improve the quality of these stages. However, we do not believe that children should be present during the whole of the process, since this would affect the respect due to the differences arising from their cognitive development or their stages of life. In this regard, the Committee urges the States to listen to children’s opinions whenever they express an interest in intervening.

Given due weight in accordance with the age and maturity of the child

As mentioned above, the right to express their views also requires that their audience, usually adults, should be duly prepared. In this regard, this paragraph highlights the fact that it is not enough to only “listen” to children; their capacity to form their own judgments should also be considered. The common mistake of relating “capacity” to age or maturity should also be taken into account.

Children’s capacity is not uniformly linked to their biological age, which would give an advantage to adolescents; it is also related to favourable conditions stimulating their development, such as the information they receive, the experience they acquire, their environment, their social and cultural expectations, and the levels of support, protection and care they are given. Thus, maturity is interpreted as a reasonable and independent capacity to respond to situations, in which understanding and evaluation of specific events is shown.

Administrative and judicial applications of the right to participate

The second paragraph of Article 12 concerns forms of applying the core content of the right to participate. In this respect, it provides direct jurisdiction in all relevant judicial proceedings affecting the child, such as separation of parents, custody, care and adoption, children in conflict with the law, child victims of physical or psychological violence, sexual abuse and other crimes, health care, social security, unaccompanied children, asylum-seeking and refugee children, and victims of armed conflict and other emergencies. Also included are decisions about children’s education, health, environment, living conditions, or protection.

The following conditions, in particular, which enable the effective application of this right, are extracted from these considerations:

- Guarantees for children’s right to be heard should apply to proceedings which are initiated by them, such as complaints against ill-treatment, as well as to situations in which their information and their intervention is sought, such as in divorce, custody or adoption.
- Children can decide how they prefer to be heard; this includes their direct participation or through representatives or agencies. The possibility of NOT giving their opinions can also definitely be deduced.
- No administrative or judicial provisions which refer directly to children can be in contravention of any rules or proceedings laid down by national legislation.
- In the implementation of administrative or judicial procedures, it is important to consider the quality of resources and processes; they should show genuine respect for children’s interests, as well as for their specific needs, related to their age, context or culture. An example of this might be that staff should be appropriately trained, the design of special hearing rooms, the clothing of judges and lawyers, separate waiting rooms and special tools, etc.

Other articles of the Convention related to participation

Just as Article 12 of the Convention describes and defines children’s powers regarding receiving information, forming opinions, giving views or expressing themselves and taking part in decisions,

as included in the right to “participate”, there are other articles which are also related to this capacity, and which broaden or reinforce it. We provide below a graphic description.

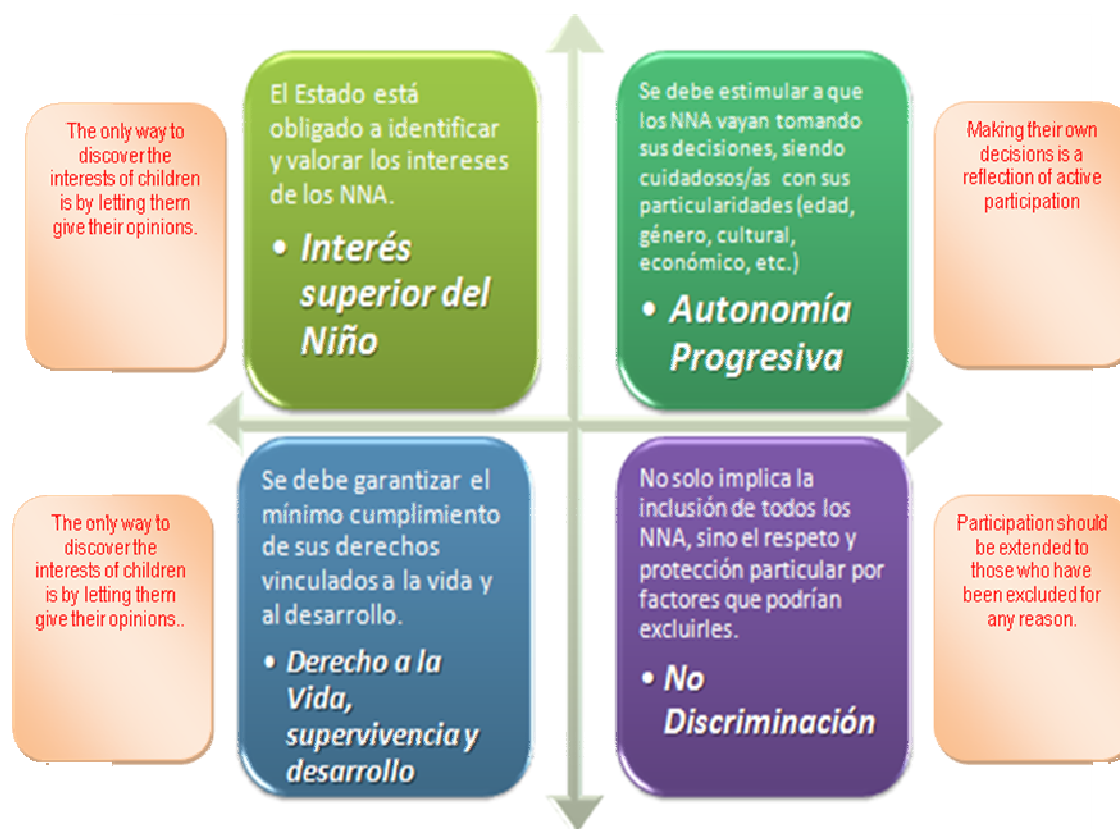
- Article 13 broadens the concept of children’s freedom of expression, bearing in mind the non-verbal means they use to express their ideas. It also refers to the freedom to disseminate, receive and seek information.
- Article 14 compels the States to respect children’s right to freedom of thought, conscience and religion.
- The first paragraph of Article 15 refers to the possibility of free and peaceful association and assembly.
- Finally, Article 17 refers to having access to information and to the role of the States with regard to the media. This point will be discussed more fully later.

B) Participation as a principle.

As defined in the CRC, participation is also a cross-cutting factor which mobilizes the enforcement of other rights, and is closely related to the principles of progressive autonomy, the right to life, non-discrimination and the acknowledgement of the best interest of the child. It is a means to enable persons to develop their capabilities and incorporate themselves effectively into collective dynamics (family, school, community and the public sphere), as well as being an end in itself, by recognizing the active social role of children in the development of their own life projects and in contributing to the development of the community as a pillar of democracy.

The following chart summarizes the conditioning or cross-cutting relationship of participation with rights in general, showing the different principles in graphic form.

The relationship between the principle of participation and the other principles of the CRC



<p>The State is obliged to identify and value the interests of children.</p> <ul style="list-style-type: none"> • Best interest of the Child 	<p>Children should be encouraged to make their own decisions, carefully taking into account their special features (age, gender, culture, economic status, etc.)</p> <ul style="list-style-type: none"> • Progressive Autonomy
<p>The minimum fulfilment of their rights related to life and evolution must be guaranteed.</p> <ul style="list-style-type: none"> • The Right to Life, Survival and Development 	<p>This implies not only the inclusion of all children, but also respect and special protection with regard to any factors that might exclude them.</p> <ul style="list-style-type: none"> • Non-Discrimination

Children's opinions must be heard and taken into account in the political, economic or educational agenda of a country. Thus, a new kind of relationship is generated between children and State and civil society decision-makers.

C) *Participation as a process:*

The capacity to decide is closely related to the capacity to analyse situations and resolve problems, aspects which determine the process of empowerment which children acquire and which is necessary in order to exercise the right to participate in a committed and active way. Participation as a process implies fostering attitudes, values, skills and information, which will lead children towards the proclaimed autonomy of their thoughts and decisions. It therefore fosters their cognitive evolution in order to develop the complex and abstract thinking which is necessary to generate democratic dialogue. In this sense, participation is people's capacity to assume the exercise of their rights, observed at different levels of empowerment with regard to its components (give opinions, inform oneself, be heard, make decisions, organize), in keeping with their own initiative and according to age and special features. From this perspective, participation is no longer merely the act of proclaiming a right on the stage of public policy, but in all areas of coexistence: family, school and community. This observation rests upon the contributions made by Roger Hart regarding the concept of participation as a process, when he proposed a path which goes from manipulation to autonomous decision (the participation ladder), reflected above all in the management of actions or projects.

As a result, the educational act of promoting participation implies the stimulation and support of children, as well as learning processes tending towards overcoming authoritarian attitudes in adults, encouraging skills such as empathy and respect for the features of childhood. In this respect, the participatory process will depend on people, their expectations and interests, and on whatever arises during interaction; always building upon previous experiences in order to express new forms of relationship and coexistence.

Recognizing that participation is a process will therefore condition the design of policies, as well as their subsequent implementation and evaluation, stressing criteria of respect for differences and the achievement of mid and long-term goals. For example, in the promotion of the participation of children under the age of six, or of those who are undergoing some kind of violation of rights or skills, such as children with disabilities, or who speak indigenous languages or are experiencing poverty and extreme poverty. As indicated in our account of the relationship between participation and "the right to life, survival and development", participation will provide poor and marginalized children with opportunities to access information, and gain skills and experience.

“Being part of” MOMENT

This indicates a position in space, time or place and includes showing abilities, making things happen or gaining access to information. In line with the previous example, we could mention the kind of organization and leadership which are generated in sports teams, which reinforce a sense of belonging and the search for common objectives. This stage begins to show the first signs of coordination and shared control. In volunteer programmes, children begin to take on roles and develop tasks within a given structure, or structures constructed in a basic or natural manner amongst themselves.

“Having” MOMENT

This state is seen as an opportunity to appropriate and share internal decisions; to become empowered through actions which show it; such as proposing, reinforcing, supporting, transforming, maintaining; that is, be willing to do something and become involved in it, to profess or feel a certain attitude towards someone or something; to guard, care for or defend something.

“Deciding” MOMENT

This refers to manifesting by word, image, sign or act, a person’s level of empowerment with regard to something or someone. Although this stage is similar to stage ONE (“Act”), there is a difference in the quantity of information, where common objectives are positioned, what capabilities are possessed and what opportunities are provided so that a person can begin to be responsible for his or her own decisions. Examples of this can be found in situations in which children begin to leave significant marks with regard to their own and the community’s concerns.

“Being” MOMENT

To **BE** implies the possibility of identifying oneself as an individual, but in connection with a group, or with others. It determines an affirmation of rights and recognizing them in others. At this stage there begins to be evidence of new learning which will influence the person, the person's group and the person's participation. At this moment, children have experienced stages which have gradually reinforced their place within a team, group, collective or situation, increasing their confidence and allowing them to recognize themselves as citizens.

“Coexisting” MOMENT

Participation should enable children to open up to new spaces and experiences – with adults and with their peers – to proclaim their freedom and their progressive autonomy. In this respect, the act of participating is experienced as a time of possibilities, of acting, of being a part of, having, deciding and being – seeking to perform new actions, arising from consensus and reflection. It is also a moment which will lead to self-evaluation and to restate new strategies for participation, with which the cycle could begin again, but with a whole new series of specific experiences and needs.

UNIT TWO

Mapping the promotion of participation in the region. The systematization of experiences

The diversity of experience reflecting the action of the States and civil society has been documented through the different opportunities for the exchange of experiences, influence or lessons learned regarding child participation. The systematization of these experiences is not a simple task, as indicated in the framework of reference produced by the IIN: “Reports received confirm the difficulties encountered by the States in the systematization of experiences and in particular with regard to their follow-up and evaluation. Methodology, when included, is limited to the description of organizational matters without going further into the connections or tools used by facilitators⁶”.

In addition, a significant lesson learned during the Twentieth Pan American Congress (Lima, 2009) shows that child participation has for decades constituted an issue promoted by social organizations which collaborate to support children in their organizational processes, either at local or at national levels, with an experience of more than 30 years. As a result of this intervention, and, now, in coordination with the States, there are at present regional children’s organizations and networks which participate regularly in national, regional and global forums on a variety of issues. This, in general terms, determines the broad mobilization and currency of this right.

However, there is no in-depth analysis or study of the types of experiences and of how they are grounded in order to guarantee the legitimacy of the right to participate in the different branches of State operation (legal, administrative and judicial), at local, national or regional levels, or by a variety of means (plans, programmes or projects).

A number of tables are provided below, the result of a process of interpretation and analysis of the methodological grounds which give meaning to fifteen experiences presented to the IIN by different States on different occasions. This will make it possible to identify the principal forms or types of promotion policy regarding participation in the region.

⁶ IIN, Child participation in the Americas, 20 years after the adoption of the Convention on the Rights of the Child. A paper produced by Prof. Psic. Victor Giorgi at the request of the IIN; published in May 2010.

TABLE 1:
A list of public experiences

COUNTRY	NAME OF THE EXPERIENCE	TYPE OF EXPERIENCE
Argentina	<i>“Ahora los Chicos” El barrio y la ciudad que queremos</i> (Now the Children. The neighbourhood and the city we love)	Children’s Consultative Council – neighbourhood (local urban setting) – municipal/district
Brazil	8 th National Conference on the Rights of the Child.	Mobilization – consultative (intersectoral) and legislative (national) events
	<i>Justiça e educação: Parceria para a cidadania. Um projeto de justiça restaurativa</i> (Justice and Education: A partnership for citizenship. A project for restorative justice)	Conciliation – School Justice - Local
Chile	<i>“Mi Opinión Cuenta”</i> (My Opinion Counts)	Research and Surveys – sectoral (education) – national
Colombia	Youth and Pre-Youth Clubs of Cali	Organizations of children – neighbourhood (local urban setting) – regional/provincial
	<i>Los Jóvenes Tienen la Palabra</i> (Youth has the floor)	Mobilization – consultative (intersectoral) events – national
Costa Rica	Work with student governments for the reform of the Regulations for the Organization and Operation of Student Government	Children’s organization – sectoral (education) and legislative – education
Ecuador	National movement of children to form and operate the national children’s consultative council.	Mobilization and children’s consultative council – consultative (intersectoral) and legislative events – national
Mexico	<i>Red Nacional de Niños Difusores</i> (National Network of Broadcasting Children)	Children’s organizations – promotion of participation – national
Paraguay	<i>Aty Ñomonguetarã</i> (Discussion Assembly) and national coordination of working children	Children’s consultative council – consultative (intersectoral) events – national
Peru	Consultative Council	Children’s consultative council – consultative (intersectoral) and legislative events – national
	Participatory budgeting	Mobilization – budgets and participation – municipal/district
Uruguay	<i>“A Participar también se Aprende”</i> (Participation can also be learned)	Mobilization – promotion of participation – national
	Advisory and Consultative Council for the Board of INAU	Children’s consultative council – consultative (intersectoral) events – national
Venezuela	Programme to dignify adolescent workers (PRODINATS)	Children’s organization – budget and participation – national

TABLE 2:
Types of participation policies or experiences in the region (1)

Type of Participation	Name	Country
Consultative Opportunities with children (Councils)	<i>“Ahora los Chicos” El barrio y la ciudad que queremos</i> (Now the Children. The neighbourhood and the city we love) (Neighbourhood)	Argentina
	Consultative Council	Ecuador
	<i>Aty Ñomonguetarä</i> (Discussion Assembly) and national coordination of working children	Paraguay
	National Consultative Children’s Council	Peru
	Advisory and Consultative Council for the Board of INAU	Uruguay
Mobilization and broad-based surveys	8 th National Conference on the Rights of the Child	Brazil
	<i>“Mi Opinión Cuenta”</i> (My Opinion Counts) <i>“Proyecto de Participación Sustantiva”</i> (Substantive Participation Project)	Chile
	National Network of Adolescents of the Councils for Child Protection	Costa Rica
	<i>“Los Jóvenes Tienen la Palabra”</i> (Youth has the floor)	Colombia
	National movement of children to form and operate the national children’s consultative council.	Ecuador
	Youth Units for the Dissemination of Rights	El Salvador
	Survey amongst adolescents and young people	Dominican Republic
	RBTT Young Leaders	Saint Lucia
	<i>“A Participar también se Aprende-PROPIA”</i> (Participation can also be learned-PROPIA)	Uruguay
Participatory Areas for Children	Youth and pre-youth Clubs	Colombia
	Work with student governments for the reform of the Regulations for the Organization and Operation of Student Government ⁷	Costa Rica
	Open Schools	Guatemala
	<i>“Red Nacional de Niños Difusores”</i> (National Network of Broadcasting Children)	Mexico
	Children’s Clubs	Panama
Budget and Participation	Participatory budgeting (<i>Ventanilla</i> and <i>VES</i>)	Peru
	Programme to dignify adolescent workers (PRODINATS) ⁸	Venezuela
School Justice	<i>Justiça e educação: Parceria para a cidadania. Um projeto de justiça restaurativa</i> (Justice and Education: A partnership for citizenship. A project for restorative justice)	Brazil
Areas for the protection of participation	Supportive Social Territories	Paraguay

⁷Children’s organization representing the area of education, present in each school, nationwide.

⁸Nationwide Participatory Budget for *NNATs*.

Types of participation policies or experiences in the region (2)

Levels/ Settings	Legislative/ regulatory: Public Policy Design	Executive / administrative: Implementation of Public Policies		Legal: evaluation, supervision, penalization, surveillance
		Intersectoral	Sectoral	
National	(Brazil) 8 th National Conference on the Rights of the Child		(Chile) "Proyecto de Participación Sustantiva" (Substantive Participation Project)	No experiences
	(Ecuador) National movement of children to form and operate the national children's consultative council.		(Mexico) "Red Nacional de Niños Difusores" (National Network of Broadcasting Children)	
		(Paraguay) Aty Nomonguetarä (Discussion Assembly) and national coordination of working children	(Peru) Consultative Council Regulator	
			(Uruguay) Advisory and Consultative Council for the Board of INAU	
			(Uruguay) "A Participar también se Aprende-PROPIA" (Participation can also be learned-PROPIA)	
			(Costa Rica) Work with student governments for the reform of the Regulations for the Organization and Operation of the Student Government	
			(Venezuela) Programme to dignify adolescent workers (PRODINATS)	
			(Dominican Republic) National survey amongst adolescents and young people	
			(Guatemala) Open Schools	
			(Colombia) "Los Jóvenes Tienen la Palabra" (Youth has the floor)	

Regional/ Provincial	No experiences		(Colombia) Youth and pre-youth Clubs	(Brazil) <i>Justiça e educação: Parceria para a cidadania. Um projeto de justiça restaurativa</i> (Justice and Education: A partnership for citizenship. A project for restorative justice)
			(Costa Rica) National Network of Adolescents of the Councils for Child Protection	
District/ Municipal	No experiences	(Argentina) <i>“Ahora los Chicos” El barrio y la ciudad que queremos</i> (Now the Children. The neighbourhood and the city we love)	(Peru) Participatory budgeting	No experiences
			(El Salvador) Youth Units for the Dissemination of Rights	
			(Saint Lucia) RBTT Young Leaders	
			(Panama) Children’s Clubs	
			(Paraguay) Supportive Social Territories	

TABLE 3:

Methodological elements of the principal child participation policies

Consultative Organizations with Children		
Experiences Considered	<i>“Ahora los Chicos” El barrio y la ciudad que queremos</i> (Now the Children. The neighbourhood and the city we love) (Neighbourhood)	Argentina
	Consultative Council	Ecuador
	<i>Aty Ñomonguetarä</i> (Discussion Assembly) and national coordination of working children	Paraguay
	National Consultative Children’s Council	Peru
	Advisory and Consultative Council for the Board of INAU	Uruguay
Criteria which ensure participation		
Continuous survey of children’s opinions	In the experience carried out in Uruguay, children have the capacity to outline, plan and execute on their own, certain activities which must be approved by the board of INAU for their implementation. Argentina’s experience (which differs from the others in being district/municipal in scope) shows how the permanent compilation of children’s opinions can modify and improve the structure of the experience itself. In 2009, a group of guide children was created by former councillors at the request of children and parents, with the purpose of continuing to exercise their right to citizenship.	
Respect for differences, in terms of evolution and other features	Children with different characteristics are included: with disabilities, workers, indigenous and Afro-descendant. In Paraguay and Ecuador, concern regarding inclusion is aimed at vulnerable groups, whereas in Uruguay and Peru, it is territorial or geographic differences which are stressed. The underlying concern is to generate broad and widely-populated opportunities, which can, nonetheless, cater appropriately to every special feature.	
Representation and representativity	The Children’s Consultative Council of Ecuador is composed of children from different sectors of the population, with an emphasis on the inclusion of traditionally excluded groups, such as the disabled, workers, and indigenous and Afro-descendant children. Uruguay’s experience includes children from each of the country’s departments. The same is true in Peru’s experience, in which 26 children were democratically elected in each department. In the case of <i>“Ahora los Chicos”</i> (Argentina) the representation of different social strata was	

	sought, through the inclusion of children from city sectors enjoying different levels of advantages. Every process shows decentralized selection procedures, in the manner of an inverted cone. It is evidently a difficult process to sustain.
Feedback of opinions	There are few initiatives whose purpose is to guarantee feedback for children's opinions. In Ecuador, there were visits to cantons (local government) in order to disseminate and coordinate actions to launch consultative councils. In all of the experiences there is concern with regard to establishing back and forth discussion with adolescent representatives, but they are not necessarily encouraged or urged to do the same with their peers in their home bases or regions.
Complementary regulations for the sustainability of proposals	The process of designing complementary regulatory mechanisms which will enable children's proposals to be sustainable is a challenge which the States are beginning to face. For example, the <i>Aty Ñomonguetarã</i> experience (Paraguay) provides for a three-year Action Plan and in the final year (2011), it includes the participatory creation of a monitoring and follow-up programme. In addition, in Peru, the recommendations arising from the National Consultative Children's Council have been made legally binding, in order to ensure their sustainability. Likewise, the Peruvian consultative council has the power to demand that institutions and agencies catering to children should fulfil their obligations.
Training and support for personnel	The various States have used a variety of strategies in order to ensure the availability of trained and specialist staff for work with children. For example, in the case of <i>Aty Ñomonguetarã</i> , Paraguay entrusted the task to NGO staff who had already been working with child workers and who had the appropriate training and experience. In Argentina, collective support and supervision is carried out with regard to the councils.
Budget allocations for the inclusion of children's opinions	Most of the States are aware of the importance of providing a budget allocation in keeping with the experience to be developed. In Ecuador, for example, a budget of USD 2,309,739.90 was allocated to the council for 2010, and the promotion of participation was assigned a budget of USD 116,650.71.

Mobilizations		
Experiences Considered	8 th National Conference on the Rights of the Child	Brazil
	<i>“Los Jóvenes Tienen la Palabra”</i> (Youth has the floor)	Colombia
	National movement of children to form and operate the national children’s consultative council	Ecuador
	<i>“A Participar también se Aprende”</i> (Participation can also be learned)	Uruguay
Criteria which ensure participation		
Continuous survey of children’s opinions	The strategy of compiling opinions and generating a corpus of vindications, demands, proposals and suggestions with the purpose of influencing the public and political agenda calls for constantly listening to what children say, throughout the process. This gathering of opinions should not be restricted to providing mobilizations with content, but should include methodological and practical aspects in order to consider participation opportunities which avoid manipulation. In the experiences observed, the importance of preparing both children and adults for the experience involving mutual discussion is outlined. In the four experiences analysed, children go through one or more experiences prior to the national meetings, which involve meetings or gatherings at local and regional/provincial/state levels. However, the training of adult staff for the experience is not clear. In order to sustain this process beyond the boundaries imposed by a national meeting, in Colombia, for the <i>Los Jóvenes tienen la Palabra</i> experience, the strategy was adopted of maintaining links with the adolescents through the formation of “positive reference point leaders”.	
Respect for differences, in terms of evolution and other features	The experiences reviewed share the characteristic of covering nearly the whole of the national territory, including children from different regions in each country. This leads to the difficulty of including children from different contexts and with different characteristics. For this it is necessary to provide for these differences and address them with respect in order to gather the opinions of all of the children without distinction. In the case of Uruguay’s <i>A participar también se aprende</i> experience, there is concern to ensure that all levels of the process adjust coherently to the specific features of participating children. Horizontal treatment is promoted and participation is encouraged through play. Flexible elements are produced in order to be applied in different groups and activities are carried out in the workshop format so that communication between participants is facilitated by means of different forms of expression (body, word,	

		writing, crafts, music, painting, etc.). In addition, the children's meetings are organized in similar age groups.
Representation and representativity		Representation criteria for children who participate in these experiences are related to the idea of covering the greatest amount of territory through the inclusion of children from different regions. For example, prior to the celebration of its 8 th National Conference on the Rights of the Child, Brazil carried out hundreds of conferences throughout its 5,564 municipalities and 26 states, as well as its Federal District, mobilizing over 300,000 participants reflecting the country's ethnic, social and socio-economic diversity. However, this geographical criterion does not necessarily ensure that the children participating represent the country's diversity. For example, only members of the local élites of the different areas could be included. In order to avoid replicating exclusive practices with regard to certain groups of the population, efforts were made in Ecuador to include the most socially vulnerable members of the population: Afro-descendants, indigenous peoples, workers and the disabled.
Feedback of opinions		Generally, mobilizations construct discourse on the basis of the convergence and mainstreaming of various communications with children. This occurs in an ascending movement, from local to national settings, with intermediate phases, as we have found in the different experiences we have analysed. However, the absence of feedback regarding the outcome of opinion is common to this type of experience. In this case, it should include a reverse process in which the outcome of each meeting is communicated to the participants of the previous meeting. As a strategy tending towards this result, in Ecuador we have seen follow-up meetings for processes and campaigns carried out by the Movement and the Consultative Councils, in addition to an annual event attended by child representatives, at which actions performed and their effects are evaluated and new lines of action are planned.
Complementary regulations for the sustainability of proposals		Procedures for listening to the views of children on a large scale, as in these cases, can lead to a considerable number of events. It is therefore necessary to generate rules and make institutional changes in order to ensure the implementation and continuity of the proposals made by children. In this respect, Brazil's National Conference on the Rights of the Child is an example in the region which has advanced to the point where decisions arising from the Conference are binding. This body is composed by adolescents as well as adults and deliberates on national policy guidelines for the promotion, protection and defence of children's rights, which in turn guide the production of the Ten-Year Plan to put this policy into practice. In

	<p>mobilizations in Uruguay and Ecuador, stable structures have come into being (with democratic and representative characteristics), setting up as consultative children's councils which act as permanent advisors to institutions responsible for children's issues.</p>
<p>Training and support for personnel</p>	<p>Staff working with children should not only be trained so that they can perform their tasks appropriately, but they must also be constantly monitored and be provided with support in order to improve their performance and the results they achieve. Although personnel working with children in different countries have received the appropriate training for their work, the fact is that it is difficult to find experiences which report on the support these persons receive. In Uruguay's "<i>A Participar también se aprende</i>", national meetings for participation promoters are held, which programme monitors attend with the double purpose of providing training and follow-up.</p>
<p>Budget allocations for the inclusion of children's opinions</p>	<p>Budget allocations should provide for the cost of the activities, including human resources, technicians, material and logistics. For example, for its 8th National Conference on the Rights of the Child, it was necessary for Brazil to allocate federal resources for transport, food and accommodation for the 300 adolescent delegates. Furthermore, it is only by having a regular budget that the continuity of the policy is ensured.</p>

Children's Organizations		
Experiences Considered	Youth and Pre-Youth Clubs of Cali	Colombia
	"Red Nacional de Niños Difusores" (National Network of Broadcasting Children)	Mexico
	Work with student governments for the reform of the Regulations for the Organization and Operation of Student Government ⁹	Costa Rica
	Neighbourhood Children PRODINATS	Venezuela
Criteria which ensure participation		
Continuous survey of children's opinions	Children's opinions are a key element in any project involving them and, critically, in participation projects. Their voice should be heard from the planning stages, through the execution, monitoring and evaluation of the project. For this purpose, it is necessary to train both the children participating in the experience and the adults who must listen to them. In the experiences involving work with organizations of children reviewed for this report, the different member states have trained personnel to listen to children's opinions. However, the process of gathering opinions often begins only at the project execution stage. It is otherwise with the Youth and Pre-Youth Clubs of Cali, Colombia, which constitute recreation areas for teenagers and young people in sectors which are vulnerable to armed violence, and where a process composed of three phases is applied: in the approach stage, visits and invitations are made in the field in order to attract project beneficiaries. Then, during the training stage, regulatory, conceptual and analytical elements are provided in order to strengthen the actions of young people and teenagers. The third stage, projection, consists in setting activities in motion on the basis of lessons learned.	
Respect for differences, in terms of evolution and other features	Children's organizations often bring together children from different backgrounds and diverse evolutionary development. Socio-cultural, educational, ethnic, gender, age and other variables which could be significant, depending on the context, should be taken explicitly into account when designing participation strategies. In the cases addressed it is mainly the socio-cultural variables which are considered. Age differences between participants are not mentioned in the experiences; nor are gender variables. The instrument by means of which the opinions of children are to be learned also deserves attention. Thus, for example, in work with student	

⁹Children's organization representing the area of education, present in each school, nationwide.

		governments in Costa Rica, a means of consultation has been applied aimed specifically at adolescents, and in the Broadcasters Network experience in Mexico, a web-based platform is used allowing children to express themselves in their own language in an online environment.
Representation and representativity	and	Generally, child participation programmes seek to include a diversity of young people, based on qualitative representation criteria. That is, including children who represent certain variables (Afro-descendants, indigenous peoples, etc.). However, when working with organizations, it is possible to use other representativity criteria, such as participation structures including the whole universe being convened (by means of elections, for example), or quantitative selection criteria (when the real dimensions of the potential universe convened are known). There are many examples of inclusion through qualitative parameters in the experiences, such as the Broadcasters Network. This includes children from 6 to 18 years of age from vulnerable sectors in different states in Mexico, from urban and rural contexts, and by means of an online platform.
Feedback of opinions		Efforts to gather children’s opinions should go hand-in-hand with similar efforts to give children the “answers” arising in response to their concerns. Thus participants can adjust their opinions and learn about their reach, as well as reflect upon their actions and the outcomes obtained. There are no examples of feedback being provided to children in the experiences.
Complementary regulations for the sustainability of proposals		This item refers to the sustainability of the process, which begins by listening to children’s opinions. It is therefore necessary to design regulations (and even institutions, in some cases) in order to ensure the continuity of the work which was begun and/or the allocation of responsibility in carrying out the agreements reached. Although not all of the experiences were accompanied by this process, and some lacked tools to make them sustainable, at this point we can highlight the work carried out with student governments in Costa Rica, and PRODINATS in Venezuela. The first generated – through consultation with young people – a new set of regulations for student governments, which included elements arising from the practices and experience of the adolescents themselves. Likewise, in Venezuela children participated in the design of policies to sustain their activities.
Training and support for personnel		Everyone who is affected by decisions made as a result of children’s opinions should be aware of the importance of their participation. Even further, all those who work directly with children should receive adequate training and regular support. In only some of the

	<p>experiences was it possible to find reports of personnel training; support experiences were even fewer. They do take place in Mexico, where State Follow-Up and Surveillance Committees for the application of the Convention on the Rights of the Child organize monthly meetings with adults responsible and municipal and local Child Broadcasters.</p>
<p>Budget allocations for the inclusion of children's opinions</p>	<p>In order to achieve the continuity of public policies for participation it is necessary for contributions to be regular. It is only through the allocation of human, technical, economic and material resources that practices become sustainable. However, we have seen that in many cases, budgets are not sufficient to nourish the projects, which are eventually kept going with resources obtained from different institutions. Although these experiences serve to generate links between institutions and with civil society and private enterprise, they run the risk of being cut adrift and disappearing. In the case of PRODINATS in Venezuela, we have observed that institutional commitment is materialized in a series of productive socialist projects designed and implemented by the children themselves.</p>

Budget and Participation		
Experiences Considered	Participatory budgeting (<i>Ventanilla</i> and <i>VES</i>)	Peru
	A programme to dignify adolescent workers (<i>PRODINATS</i>) ¹⁰	Venezuela
Criteria which ensure participation		
Continuous survey of children's opinions	The Venezuelan programme provides feedback to children through over 100 exchange meetings and 2 national meetings of <i>NATs</i> . Similarly, the experiences of <i>Ventanilla</i> and <i>Villa El Salvador</i> in Peru hold prior meetings with children as a preparation for the experience. In the three experiences, the projects begin to operate on these occasions.	
Respect for differences, in terms of evolution and other features	In Peru, respect for differences develops in two different ways. In one case (in <i>Ventanilla</i>) participants are grouped according to age. In the other, the initial stage of the process is delegated to school municipalities so that they can apply their own local dynamics in order to fulfil the objectives.	
Representation and representativity	While in the case of <i>Villa El Salvador</i> it is only school municipalities which have access to this, and in Venezuela, only child workers, in <i>Ventanilla</i> the process is open to various institutions and child participation groups.	
Feedback of opinions	No information available.	
Complementary regulations for the sustainability of proposals	While sustainability in Venezuela is sought through the participation of children in the design of protection policies, in <i>Ventanilla</i> there is a Surveillance Committee supervising the fulfilment of the process agreements.	
Training and support for personnel	In Peru, there are specific teams in charge of facilitating and supporting the processes, and they receive constant preparation and training.	
Budget allocations for the inclusion of children's opinions	All of the experiences are characterized by having a budget for which groups of children compete, but while in the case of <i>Villa El Salvador</i> only school municipalities can access this, and in Venezuela, only child workers, in <i>Ventanilla</i> the process is open to various institutions and child participation groups.	

¹⁰Nationwide Participatory Budget for *NNATs*.

UNIT THREE

The role of the community in child participation

In this guide we have been stressing the role of the State in the development of public initiatives to promote and protect child participation. However, citizens, as well as the community's institutions, have complementary roles and actions to take with regard to public policies, particularly if they are related to promoting participation. The State is, furthermore, called upon to share the design of public policies with the population. Therefore, this is not a privilege or a willingness, it is a shared responsibility.

The nature of the right to participate is not only associated with the production of regulations and treaties indicating how to coexist and establish relationships with children; on the contrary, it has to do with the full and informed enjoyment of this right, defended, watched over and protected. Thus, relationships between peers and with adults, on all occasions involving community coexistence, become highly significant.

According to Adriana Apud (UNICEF, 2001), there are three basic areas in which participation should be promoted, in the understanding that States have an indirect influence on the first and the third of these areas and that the transformation of processes in these settings are slower and more complex:

- The family. This is the basic and initial area for socialization and for the stimulation of child participation. In this regard, it should generate conditions for the development of the skills needed in order to participate, as well as encourage the appropriation of a sense of belonging and social responsibility.
- The school. Participation in this context is a determining factor in learning about individual and collective rights and responsibilities.
- Daily life. Different kinds of relationships in public areas also contribute to the promotion of participation, citizenship and democratic coexistence. In this respect, Apud states that: *"In carrying out child participation practices on a local scale, children feel a certain degree of protagonism which increases their sense of belonging and involvement with the city."*

It is also extremely important to identify the need or concern which arose during discussions between the adolescents who attended the First Pan American Forum (Lima, 2009). All community initiatives which promote child participation must also seek to address excluded groups. Thus, their demands focused on the establishment of strategies, methodology and community education to ensure the intervention of children below the age of six, children with different abilities, or those who suffer exclusion or violations of their rights.

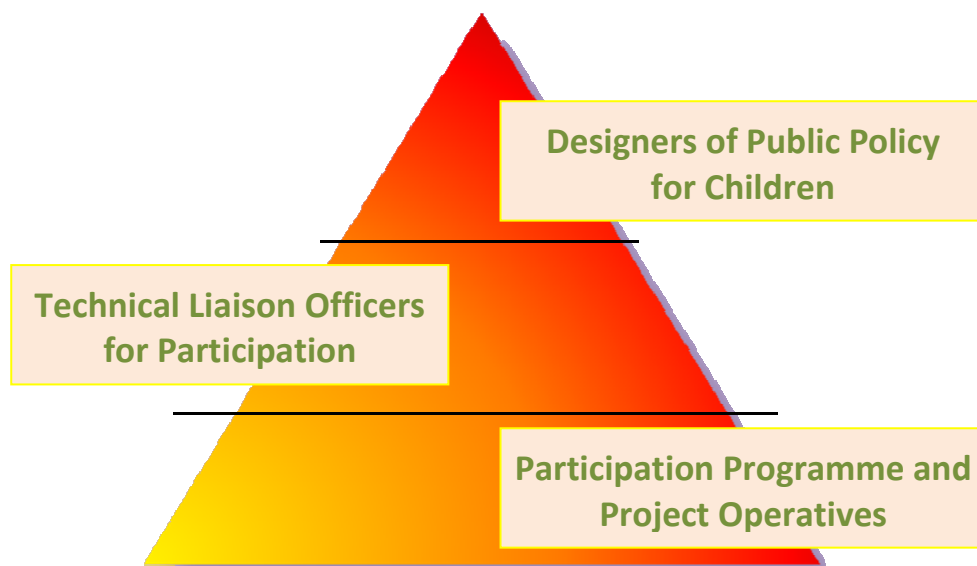
The role of adults involved in the promotion of child participation

In this setting, it is adolescents themselves who mention the need for training human resources so that they can develop conduct, commitments, actions and specific and explicit strategies for the promotion and protection of this right. Accepting and respecting children as such, with their skills and cultural and expressive characteristics, will only be possible if all forms of domination, superiority or advocacy regarding goals established arbitrarily by adults are eliminated, and if equitable relationships with regard to power and decision-making are fostered. In this respect, Roger Hart's thinking (1997: 45) acquires a special meaning when he said that *"it is organizers, promoters and facilitators who bring young people's potential to life, but even when their essential skill is to initiate or awaken interest in participating, what they mainly need is to sharpen their ability to listen and observe, in order to learn how best to respond and support them"*.

Adults involved in the promotion of child rights have three roles which should be fulfilled comprehensively:

- As adults, we need to protect children and establish a special relationship with them, recognizing their needs and interests according to their age and evolution.
- As professionals in the field of social science, we are dedicated to improving people, and
- As citizens, we are active participants in the process of collective and democratic development.

With regard to intervention in the design of public policies, the roles of adults are distributed along the whole length of the chain of development. Although each person has functions and levels of relationship with children of differing degrees of closeness, this does not exclude them from receiving comprehensive and permanent training processes. The following chart was used in the IIN's training courses during 2010 and shows some of the basic functions.



Relationships with children involve horizontal communications, in which adults can maintain and monitor their own skills with regard to knowing how to read and interpret children's messages, language and different forms of expression. Therefore, when creating opportunities or events for children to take part in, conditions should be adjusted to their age and maturity, freeing them from any factors which may pressure, restrict or influence them and prevent them from expressing their opinions freely, or make them feel manipulated. This is where the protection of participation comes in. This type of relationship can not only be applied in communities or schools, but must also be projected onto family and public settings. Adults who work in participation face a number of risks:

- Maintaining adult-centred attitudes despite their participatory discourse.
- Losing sight of their role as adults, becoming one with the children they are working with.
- Being unable to maintain an attitude of listening and respect when faced with tense situations which question their role.

Training officials and operatives is the only way to bring about this paradigmatic change, through processes which contemplate:

- A theoretical and conceptual dimension which includes regulatory frameworks, the importance of the right to participate, the characteristics of the stage of development of the people involved, and other factors which will make it possible to understand the significance and implications of their work.
- A technical dimension which includes handling tools for individual or group work and the generation of an appropriate environment for safe participation.
- A dimension related to attitude, which involves handling their emotions and feelings so that they can sustain their role whatever situations may arise.
- An indispensable ethical dimension in order to administrate the power their role endows them with, respecting children and promoting their free and safe expression.

The role of the media in child participation

As was pointed out in the first unit of this guide, Article 17 of the CRC stipulates the role of the States regarding guaranteeing access to information and the role the media must fulfil regarding the promotion and protection of child rights. Specifically, this article indicates that the States should watch over and encourage access to and dissemination of information arising from national and international sources promoting the social well-being, and the spiritual, moral and physical and mental health of children. Although there is progress regarding the control of the type of information which is transmitted and the dissemination of material suited to children, such information does not necessarily focus on the respect and acknowledgement of their interests, demands and their status as rights-holders.

In short, access to information implies a number of criteria which condition its genuine appropriation and even the creation and dissemination of messages, ideas and feelings. The conditions in which these criteria develop will cause people to be closer or further removed from

information, a situation which acquires more subtle shades of meaning when children are involved.

1. Information is part of a broader process of communication.

As we know, communication is a process of transmitting information in which as many as three significant factors are involved, and the absence of one of them implies NON-communication: the emitter, the receptor and the message. Some authors also regard the medium and the channel as significant parts of the process. Information on its own cannot be recognized as part of an active communication process which attempts to generate an impact (conduct, emotions) amongst the people involved. Information is often made available without considering the presence and appropriate respect for each of the elements which constitute communication. When it is children who are involved in the process of transmitting information, it has been usual to “protect” them from messages (information) which might – apparently – be injurious to their age. For example, the direct transmission of information containing sexual features or symbols is avoided, but on the other hand, we expose them to distorted sexual information depicted on walls, magazines, music, products, etc. Television has now chosen to restrict information with “explicit sexual content” at times which are ostensibly for children, which is an apparent denial of information, and not the solution demanded of them. These examples show that the failure lies not in the information itself, but in the mistaken consideration of channels, media, languages (codes) and above all the understanding of the space and recognition that child receptors require. In the matter of television specifically, the first conference on the media and child rights was held in Recife (Brazil¹¹), in 1998, and significant measures were discussed with regard to this subject. We have highlighted those related to this first criterion:

- ✓ *[Journalists and media organizations shall] Consider carefully the consequences of publication of any material concerning children and shall minimize harm to children.*
- ✓ *Journalists and media organizations should strive to maintain the highest standards of ethical conduct in reporting children's affairs and, in particular, they shall strive for standards of excellence in terms of accuracy and sensitivity when reporting on issues involving children.*

2. The flow of information demands that it should be “back and forth”.

When children are young they discover their world in many ways: they touch, smell, lick; that is, they experience it. Once they acquire their family’s language, they usually begin to test and discover everything through the search for information which will give things meaning. Their naïve “why?” becomes the key to decode much of the information they receive. Although for many parents and caregivers of these small citizens this verbal initiation can be exhausting and sometimes place them in a difficult situation, it is basically initiated by the children themselves. This example shows that information always needs to be a reciprocal process, a ball which can bounce along and acquire the marks of all the persons it encounters; assimilating in its path, emotions and desires. Viewing information only as a cold, data-providing entity, normally provided only by one side, does not ensure the achievement of its final objective, which is to construct knowledge. Normally, the flow

¹¹ Conference on “Children’s Rights & the Media: Guidelines & principles for reporting on issues involving children”, Recife, May 1998.

of information in the case of children is vertical and restrictive, making it impossible for them to assimilate it and endow it with their personal emotional load, limiting them to a pathetic “because that’s how it is”. On this point, the media undertook to:

- ✓ *Give children, where possible, the right of access to media to express their own opinions without inducement of any kind.*
- ✓ *Ensure independent verification of information provided by children and take special care to ensure that verification takes place without putting child informants at risk.*

3. Access to information is necessarily related to the genuine enjoyment of the right to participate.

While the access to information problem is specifically related to discrimination, many media and States are promoting the distribution of this asset due to its political, social, cultural and even economic value. Citizens are beginning to exercise their right to demand broader information and sufficient quality in the communication process to encourage the improvement of their own development. Increasingly, adolescents are beginning to involve themselves in the surveillance, follow-up and evaluation of public policies, making use of information and of the responsibility which comes with the ownership of this asset. This is only made possible through an active empowerment process and the exercise of participation, which still needs to be protected, according to the observations we made in the first two points of this section.

- ✓ *All journalists and media professionals have a duty to maintain the highest ethical and professional standards and should promote within the industry the widest possible dissemination of information about the UN Convention on the Rights of the Child and its implications for the exercise of independent journalism.*
- ✓ *Journalists should put to critical examination the reports submitted and the claims made by governments on implementation of the UN Convention on the Rights of the Child in their respective countries¹².*

At present, much of the media has implemented measures to respect or protect children from information being offered, thus recognizing the special vulnerability of their situation. It is common to see messages on television alerting the community to the content of programmes, or the protection of children’s images when they have suffered some form of violence. However, we should recognize that the media (understood as mass communications strategies which do not necessarily involve radio or television) also wield their power when addressing an idea or subject which could affect children. This does not necessarily have a purely informational meaning and may make use of interpretations which generally show a biased recognition not only of child participation, but of their rights as a whole.

Thus, for example, we witness how adolescents continue to be stigmatized as the cause of neighbourhood insecurity – which gives rise to discourse regarding lowering the age of criminal responsibility. The same occurs in cases of adoption by same-sex couples, and other situations.

¹² <http://www.ifj.org/default.asp?index=192&Language=EN>.

The hidden messages, or meta-messages underlying such information should be the subject of further analysis, together with the identification of the powers which exert their influence in these areas.

- ✓ *Media organizations should regard the violation of the rights of children and issues related to children's safety, privacy, security, their education, health and social welfare and all forms of exploitation as important questions for investigations and public debate.*
- ✓ *Journalistic activity which touches on the lives and welfare of children should always be carried out with appreciation of the vulnerable situation of children.*

Strengthening child participation and acknowledging it as a right will only be possible through broad and progressive communication and education. However, it is also important to perform activities advocating and promoting solidarity amongst media leaders, in order to attain opinions favourable to children and recognition of their rights.

2

Design, implementation and evaluation of public policies

At the start of this second section, we should briefly recall some of the conceptual aspects related to public policies. There are many synonyms which refer to a practical understanding; however, we should like to indicate and emphasize two trends or similarities amongst them. On the one hand, there are interpretations which link public policies to “action”, and include plans, programmes and projects undertaken by any decentralized form of government. Although this definition is very specific, it contributes a practical and not merely discursive view of development guidelines or perspectives answering to the need to overcome problems. This outlook leads to an understanding of public policies as processes or flows of interaction.

UNIT FOUR

A basic conceptualization of public policy

A second conceptual perspective is related to the distribution and management of power apparent in the decisions pursued by policies. Thus, Subirats (1994, 41) defines public policies as a number of decisions which establish responses to situations considered to be problems: *“deciding that a problem exists. Deciding what it must be attempted to resolve. Deciding the best way to proceed. Deciding to legislate on the matter, etc.”* In addition, there is also a process or flow of decisions in which a number of stakeholders and interests intervene.

“decision processes are (...) the result of multiple interactions in which many actors take part (elected politicians, officials at every level, and also parties, stakeholders, experts, academics, the media...) simultaneously. Political processes become ‘bureaucratic’, bureaucratic processes become ‘politicized’; each ‘socializes’ the other.” (Subirats)

In the words of Carlos Alza, a lawyer who specializes in public policies, they constitute *“A series of intentionally coherent decisions made or actions performed by different actors – public*

and sometimes non-public, whose resources, institutional links and interests vary – with the purpose of specifically resolving a problem which has been politically determined to be collective. This series of decisions and actions gives rise to formal acts, varying as to their obligatory nature, which tend to modify the conduct of social groups in which, it is assumed, the collective problem to be resolved originated (target groups), in the interest of social groups suffering the negative effects of the problem in question (final beneficiaries)”.

From this viewpoint, the flow and distribution of the power to decide devolves upon the intervention and involvement of actors. In a democracy, the State must generate participation mechanisms so that organized civil society groups can intervene in the design or implementation of public policies; if this were not to occur, policies would lack social legitimacy.

The views of Lowi are perhaps linked to the perspective of power surrounding public policies, but he defines them as assets and tools made available to serve the community, endowing authority with a special value in making decisions to benefit society. In this regard, public policies are defined as “lines of action with the authority to distribute goods and incentives”. Public policies, therefore:

- a) Provide goods: food, housing, school utensils, money.
- b) Provide services: health centres, education, child care, basic care to members of the population who need it.
- c) Perform acts of recognition and self-affirmation: such as recognizing the contribution which a given ethnic group makes to national culture, or formally recognizing youth organizations. These acts are called incentives, inasmuch as they seek to provide social recognition.

At present, we are more likely to find arguments validating child participation when deciding upon public policies to benefit their rights, but without doing away with the privilege enjoyed by adults in representing children’s interests before the State, which hinders the ability to get to know their genuine needs and interests, and thus restricts their exercise of citizenship. However, we should also acknowledge the continuing presence of intermediaries – NGOs for example – who echo the voices of children, but who may bring into play different conceptual perspectives and intervention approaches which dissolve agreements; particularly when gaps in the fulfilment of child rights involve cross-cutting central lines which demand comprehensive action: health, education and protection, for example.

COMPREHENSIVE PROTECTION is the characterization of the series of actions, policies, plans and programmes which with absolute priority are issued and executed by the State, with the firm participation and solidarity of the family and society, in order to guarantee that all children effectively enjoy, without discrimination, the human rights to survival, development and participation, with consideration for the cross-cutting concept of the best interest of the child.

Classification of public policies according to Lowi¹³

Level of Application		HORIZONTAL COERCION (Extension and Scope)		
		Individual (conduct)	Collective (context)	Political Arenas
Vertical Coercion (Intensity and strength)	Weak (Remote sanction)	DISTRIBUTIVE Services provided by the State to the citizen. Ample Budget. Peaceful. Non-antagonistic claimant.	CONSTITUENT Modification of the political or administrative régime in terms of jurisdiction. Regulation between citizens' rights and public or private action.	Soft conflict. Overcome by means of coalitions and the timely allocation of resources.
	Strong (Direct sanction)	REGULATIVE Decision disaggregated by sector. Generates conflict and negotiation between opposing power groups.	REDISTRIBUTIVE They regulate matters of power relations, property and social position. Tension and conflict between social stakeholders.	Conflict compels negotiation.
	Political Arenas	Decentralized, thematic and/or local policy	Centralized, comprehensive policy. Involves the whole of society.	

Citizenship is a status acquired at birth, or even sooner, at conception, and not when coming of age. This implies recognizing the right to participate in public decisions, a practice which is conditioned by differences in evolution according to age and specific characteristics. Children bring with them knowledge, perceptions, experience and skills which need to be expressed in a horizontal relationship with their peers and with adults, in processes where they become agents of change and in which democratic relationships are strengthened.

¹³ Quoted by Edith F. Kauffer Michel in *Las políticas públicas: algunos apuntes generales* (Public policy: some general notes)

The characteristics of public policies

1. Representative of situations perceived to constitute social problems.
2. Constitute tasks pertaining to governments and their institutions.
3. Are incorporated with other policies in a consistent and coherent programme.
4. Are specific, clearly designed and involve particular situations.
5. Define the responsibility of the public sector and the participation of the community and of civil society stakeholders.
6. Establish means to facilitate their follow-up and evaluation.
7. Enable the appropriate management of their purposes and objectives.
8. Are the object of appropriate internal and external controls, with the active participation of civil society actors and the communities affected.
9. Allow fluent communicative interaction between different groups of stakeholders: political, social and governmental, involved in the management of public affairs, according to the criteria of seeking the common interest.

Types of public policy

There are different ways of classifying and organizing public policies. Each of these categories responds to classification approaches proposed by their authors, but which often cannot be applied in practice. Some of the most prevalent, are:

By type of State intervention

- Distributive policies: provide goods or services to certain segments of the population (individuals, groups, businesses, etc.).
- Regulatory policies: impose restrictions or limitations to the behaviour of individuals or groups.
- Self-regulatory policies: similar to the above, but are advocated and supported by a group as a form of protecting or promoting the interests of its members.
- Redistributive policies: deliberate efforts by the States to change the distribution of wealth, income, property or rights amongst broad groups or social classes.

By impact

- Material policies: provide tangible advantages or disadvantages.
- Symbolic policies: barely exert any real material influence on people – they provide intangible advantages or disadvantages.

By level of coordination

- Sectoral policies: these respond to specialized problems or issues; intervention is within the jurisdiction of a single technical and sectoral area. For example: policies to confront illiteracy, which fall within the purview of education.
- Multisectoral policies: these require interdisciplinary and intersectoral intervention and competence, since they address problems arising from multiple causes. Examples of this are policies to combat child malnutrition, whose solution requires the intervention of the health sector, the education sector, the ministry of agriculture, etc.

- Trans-sector policies: as their name indicates, they seek to address problems which cross-cut any area of social life, and which, therefore, all of the sectors must address in the policies they promote. For example, equal opportunities policies which deal with social inequity.

UNIT FIVE

The development of public policies for the promotion of child participation

“What is the best way to understand the complexity of the process of designing public policies? A popular method in recent years is to separate the production of public policies into its different stages and analyse each one of them. First, an examination is made of how problems emerge and how they are placed on the government’s public policy agenda; then, how people define subjects for action is studied, how legislators proceed, and how officials implement decisions. Finally, how policies are evaluated.” (Lindblom: 1991, 11)

Stages in the design of a public policy: the cycle

Inclusion on the agenda

An attempt is made to ensure that public decision-makers take one problem into account from amongst the multiple demands arising from different social groups. This stage stands out from all the rest, as it consists in the first visualization of stakeholders, powers and real issues that depict the needs of the population.

Demands emerged from the First Pan American Forum (Lima, Peru, 2009) in the form of suggestions presented by the very children who attended the forum, which were then included and accepted by the States:

“Local, regional, national and Inter-American Consultative Councils should be formed.”

“We adolescents are very interested in supporting the proposals drafted in this Forum, even together with the adolescents who come after us.”

Design

This entails defining the way in which the problem is to be faced. Objectives, instruments and processes are established, which must be put into practice in order to resolve the problem. These designs will range from legal guidelines to administrative arrangements of means for the promotion and care of rights.

If we continue using the example of the First Pan American Forum, the suggestion of fostering consultative councils or means of discussion between decision-making adults and children was in

itself a design which needed to be submitted to technical adjustments in order to make it feasible. However, this is a task for adults. It was thus that Uruguay and Peru designed their consultative councils, including synergy of opinion between all of the actors involved, but with respect for the children's timescale and characteristics.

Implementation

This consists in the adaptation of the measures chosen for implementation, be they plans, programmes or projects. The setting and level of intervention will be determined according to the features of the mechanism or initiative; it could demand special coverage for local levels rather than national levels, or involve legislative or executive aspects.

Perhaps Hart's experience regarding participation might shed a light on how to include it in the management of plans, programmes and public projects. On this basis, it becomes much simpler to observe groups of adolescents – in particular – intervening in the management of policies, endowing action with strength or motivation, as well as the adjustments they themselves may require. For example, in the activities of Uruguay's consultative council, it is the adolescents themselves who design initiatives; or in the case of Costa Rica, they design projects for the benefit of their peers.

Public policy evaluation

The purpose of this is to determine the outcome and effects of public policy in terms of changes of conduct and to what extent the problem was resolved. The intervention of adolescents in these processes has also increased, showing that adults respect their opinions, as well as the incorporation of new forms of discussion, in which verbal factors have ceased to be a priority:

- ✓ In the Peruvian consultative councils, national delegates – councillors – participated in early 2011 in the evaluation and design of the National Plan of Action for Childhood and Adolescence.
- ✓ Adolescents in the Ecuadoran council have stated their views on lowering the age of criminal responsibility, in the area of juvenile criminal justice.
- ✓ In Paraguay, it is the children themselves who deliver their demands and needs directly to the President of the Republic, on the basis of reports on how rights are guaranteed.

UNIT SIX

Applying lessons learned: “Criteria to be borne in mind in child participation public policy”

Based on the analysis of information carried out, it is possible to generate constructive discussion regarding the design of child participation policies. These discussions do not respond merely to an academic urge to investigate the evolution of this right, but are part of strategic agreements which seek to promote the citizenship of children and confront the various problems the children in our region are suffering.

In this respect, one of the aspects discussed has involved the different interpretations or meanings given to these public initiatives, which have led to seeking agreement regarding minimum standards in order to guarantee children's right to participate; an aspect which will help to establish launching or reference points, as well as variables with which to measure progress and achievements. We believe complementary links with the "Indicators Menu" should be established, in order to recognize specific indicators which guarantee the prevalence of the right to participate in any action or strategy which has this capacity as an objective, carried out by public or private agencies. However, it is sought in this paper to establish broader criteria in order to condition the design, implementation and evaluation of public policies which seek to guarantee this right by the State. For example, by generating "methodological processes to foster child participation in the establishment of initiatives for the promotion of participation".

There have been significant examples of such initiatives carried out by civil society agencies seeking to pinpoint a definition of indicators for the promotion of participation within their own intervention projects or programmes. There are meaningful contributions in the activities of Save the Children; they have been able to establish conceptual aspects linked to the relationship between child participation and community interaction, showing the influence of the power wielded by adults. In addition, Plan International has contributed an identification of favourable conditions to foster the wide and protagonist participation of children, with an emphasis on factors involving the environment, quality, impact and levels of involvement of children. These arguments may be reviewed in *Menu of Indicators and Monitoring System for Children's Right to Participation*, (IIN, 2010).

In order to incorporate children's right to participate in the development (agenda, formulation, design, implementation and evaluation) of public policies for child participation, it has been necessary to generate a framework of criteria based on the identification of variables arising from the analysis and systematization of country reports. These variables are:

- The capabilities which the CRC defines as participation: access to information, forming opinions, processes of expression and intervention in decision-making by children, respecting the features and characteristics related to age, maturity and social and cultural background.
- The public management settings in which initiatives or public policies for child participation develop: legislative, administrative and judicial. Within this group are included sectoral or intersectoral interventions.
- The levels or scope of the proposals: local, departmental or provincial, regional and national. The institutions of the "family" and the "school" are included in the "local" level, in view of the independence they enjoy in designing their own initiatives, which should coincide with sectoral (in the case of education), regional or national proposals.

In this respect, criteria to be borne in mind in the cycle for the development of child participation public policy are:

1. Discussion with children should be guaranteed at all stages of the development of the policy which directly affect them, so that their opinions are permanently available. As part of this criterion, it is important to contemplate preparing children to give their opinions, as well as adults to receive them.
2. It should be ensured that discussions respect the process of evolutionary development of children, with particular attention to possible differences or special features related to age, culture and ability.
3. It should be ensured that children's opinions reflect the plurality and representativity of their peers. It is not enough only to establish activities to attempt to identify the most excluded children; the capacity must be fostered of representing the voices not only of their peers, but of everyone. For example, with regard to needs related to early childhood.
4. Children should be informed regarding the incorporation of their opinions in decision-making processes in the development of policies which affect them. This calls for horizontal and constant communication processes.
5. Advocacy regarding legal, executive or judicial aspects should be promoted in order to ensure the development and sustainability over time of policies for the promotion and protection of child participation. The creation of means of support is often called for, in order to sustain initiatives or policies. An example of this could be activities to inform and sensitize parents in order to strengthen participation in the home.
6. Permanent and relevant training and support should be provided for staff involved in discussions with children. These processes should start with initial training and develop to include duly programmed and inclusive evaluation and reinforcement, so that they can determine their own achievements and training needs.
7. A specific budget should be ensured for the incorporation of children's opinions at all stages in the development of policies which affect them. Investing in participation involves both human and financial resources.

In the second chapter of this guide, we shall see how to apply these criteria at the different stages of the development of public policies for child participation.

UNIT SEVEN

Challenges related to guaranteeing child participation

...participation policy should be inclusive and not viewed merely as an instrument with which to achieve the government's goals, but as a means to achieve development and the "empowerment" of participants, of participation agencies and of all the education community... we believe that the design of a wide-ranging social participation policy which transcends whatever mechanism is used is indispensable... and that it should include a diversity of opportunities for discussion and deliberation regarding core issues...¹⁴

Rights guaranteed by States

There are lessons to be learned from the progress achieved by international partnerships between government and social agencies with regard to participation in innovations involving the enjoyment of the right to quality education. In 2000, an "Education for all"¹⁵ plan was designed, with the intervention of States and NGOs, and the inclusion of teachers' unions in order to outline common guidelines. An expected outcome of this target is the democratization of education. This outcome urges schools, communities, regions, countries and continents to produce education development plans – in a decentralized way, with the participation of the whole community, including giving part of the responsibility to children. At present, the improvement of participation and the representation of children in the design and evaluation of their right to education is observed in many Latin American countries. These lessons depict the enjoyment of the right to participate and the recognition of the citizenship of children, as well as their capacity to intervene in defining processes to guarantee the best kind of implementation of their rights.

A further example of this sort is the intervention of adolescent groups in the establishment of local public proposals, within a process of democratic planning of targets and budget distribution. Lastly, the consultative councils which have been promoted also include amongst their tasks giving opinions on the adequate and appropriate implementation of policies in a national and sectoral setting.

The experiences analysed show that the State has already incorporated child participation within its management perspectives and formats, emphasizing the contributions of children when establishing and validating mechanisms for the promotion of their rights and the development of the community. A challenge which should be confronted involves commitments and actions regarding child participation, which the States have yet to incorporate into the design of public policies for children. Perhaps on the basis of their inclusion in the very actions or guidelines used to promote their participation. We could, in this way, summarize the importance of encouraging "participation", by "participating".

¹⁴ Consejo Ciudadano Autónomo por la Educación (Autonomous Citizen Council for Education) (2009), Social participation proposal to the Minister of Education, Mexico.

¹⁵ The Education For All plan was the first education strategy which sought to democratize decisions regarding management and quality of education, including the participation of children themselves.

In order to achieve this target, it should be recognized that guaranteeing the development of State public policies involves the commitment not only of those who establish guidelines, mechanisms or actions, but also of the different sectors and diversified forms of government. In this scenario, support for civil servants at all levels should highlight the following obligations which their role demands:

- Respect: State institutions and officials should under no circumstances violate people's rights.
- Protection: involves the creation of laws and means to recognize rights, as well as their dissemination, surveillance and defence.
- Guarantees: the establishment of a number of strategies for the full enjoyment of rights, which should not be limited merely to formal recognition. This implies designing plans, programmes, norms, regulations and adjustments to the public system, amongst other actions.
- Promotion: in the design and implementation of measures, it is important to include and interact with civil society, political parties, social organizations and citizens in general.
- Anticipation: it is very important for States to detect the risk factors which may lead to violations of rights, in order to eradicate or mitigate them.
- Evaluation and supervision: either directly or through organizations which provide these services, the States should at all times watch over the fulfilment of rights, identifying factors and officials who may be preventing this fulfilment or violating rights.
- Regulate the conduct of non-State actors who may violate rights or foster such violations.
- Punishment: when there is evidence of responsibility on the part of civil servants regarding acts which violate or infringe the full enjoyment of rights, some kind of punishment should be applied, after the relevant judicial proceedings, in order to prevent such events from being repeated.
- Compensation or reparation: if the responsibility of State agents is established regarding acts which violate rights, the State must provide reparation and/or compensation for the victims.
- Exceptionally, the State should also assume responsibility for possible violations carried out by third parties (groups or persons). Furthermore, the State could also restrict the exercise of rights; naturally, with the protection of international agencies to legalize such interruptions, which should generally be effected with the purpose of conserving or protecting the general interest.

Children exercising rights

Whenever the promotion of child rights is carried out, it is remarked that enjoying rights calls for responsibility, a "duty" associated with mutual respect and freedom. Similarly, there is also duality in the implementation of their exercise, since this calls for someone or something to facilitate practicing rights appropriately.

According to this perspective, it is the State's task to guarantee rights, but children are also invited to demand and exercise them responsibly, with commitment and in a manner suited to their characteristics. Thus, participation has been experienced and exercised in different ways: in artistic exhibitions, theatrical and musical performances, written presentations, private or individual interviews, open hearings, marches or public events with the support of the media.

According to what was described in the definition of the right to participate, as a principle and as a process, all of these forms of participating are valid, as long as other principles, such as non-discrimination, the best interest of the child and respecting their stages of development are also taken into account. However, a question still remains, which is, “what is children’s commitment or responsibility regarding the establishment of these mechanisms?”

On the basis of the experiences analysed, the States have not responded clearly to this question; on the contrary, they continue to discuss or examine the reasons for promoting the right to participate. The protagonist child participation school of thinking upholds the importance of seeking a balance of power in public decisions for the benefit of children, promoting the devolution of power on children, providing them with full and independent opportunities to manage themselves and for themselves. Although this perspective highlights the debt that society and all active citizens owe to the child population, particularly with regard to the most excluded of them, it does not necessarily respond to the standards of equilibrium desired amongst children themselves in general, and when confronting the adult world. From this viewpoint, the responsibility granted to children involves setting up organizations and institutionality, and making private and public decisions which are isolated from or independent of – even in conflict with – the adult world.

Child protagonism has certain features in common with feminism, a movement which was a pioneer in the political positioning of an excluded population: “women”, not only marginalized, but dominated, historically speaking. The beginning of feminism was marked by the radical methods women used in order to show the abuse of power they underwent, in terms of relationships and the masculinized world. At present, after many years spent in accomplishing aims, many countries have established political guidelines in order to seek a balance of power, installing positive discrimination in some sectors – for example, to encourage the political participation of women – but also to promote equity with regard to men. They attempt to encourage men themselves to overcome male chauvinist models and begin to establish new forms of relationship with women in private and public settings. One example of this is the promotion of shared responsibility regarding procreation.

The greatest offence against child participation is adult-centrism, a position in which the needs and rights of children are viewed from the adult perspective. The proclamation of autonomy for child protagonism is a direct response to the domination of the adult world, but it does not include considerations for the coexistence of adults and children, nor the responsibility of protection that adults bear with regard to children.

In addition, most of the States in the region show concern and care with regard to respecting the special features of the evolution of children, in order to create a process which will make it possible to ensure that any domination or abuse exerted by adults is confronted. However, a conflict could arise in establishing the boundaries between manipulation (or a slight level of domination by the adult world) and freedom and autonomy which do not lead to isolating, abandoning or stripping children of protection.

The truth is that the question posed above has not been answered directly. In an exercise to validate participation as a right, it may be necessary to consult children directly regarding this question, so that it is they who propose relevant responsibilities and commitments for the

different stages of their development, but aiming to ensure the autonomy of their decisions and to influence those that concern them.

One answer may involve the exercise itself of forming views freely, expressing them, acquiring information and influencing decisions. From this could arise a concern for giving their views, but in the awareness of the impact of their opinions, even more so when they are representing a children's plenary. Whether it appears to be paradoxical or simple, children's responsibility should be expressed through channels and means which are interesting to them and suited to their age, but that also include the possibility of communicating with adults in order to "demand", "impact" or "influence" by means of their opinions when making decisions which should seek the satisfaction of their own needs, without neglecting the needs of their peers and those of adults.

During the Pan American Child Forum, there was evidence of responsibility in the exercise of the right to participate. Through a variety of strategies, children discussed the status of their rights, particularly of the right to participate. Concern regarding their peers was apparent. Below are some examples of the high level of responsibility and commitment they all showed, by demanding:

- Guarantees for the enjoyment of rights, which include the principle of participation for all children, without discrimination of any sort, providing opportunities for groups of children who have traditionally been excluded from participation processes, such as those belonging to indigenous peoples, ethnic minorities, Afro-descendants, disabled children, institutionalized children, children in conflict with the law, children living with HIV/AIDS, and others.
- The acknowledgement of the value of different participation experiences and forms of expression of children.
- "Some of us think this is related to adults' lack of capacity to listen or to pay attention to our points of view. Instead, they choose to 'impose', rather than promote or encourage".
- The most significant foundations are what children learn at home, initially; this is what they will repeat in the outside world. There is fear to speak when there is a possibility of disagreement.

appendix

Data sheet of elements identified in the experiences

TYPE OF EXPERIENCE:	
Proposal Name or Title	
Author/Institution	
Country/Year	
Features of the Experiences	
Objective	
Level at which it takes place: family, school, community, local regional, national	
Setting in which it takes place: legislative, executive (programmes, sectors), legal	
Area or office promoting the proposal	
Law or regulation which shelters it	
Context in which it takes place	

Methodological development:

Criteria which ensure participation / examples of indicators

1. Continuous survey of children's opinions	<ul style="list-style-type: none">• <i>Preparation for children to make their views known.</i>• <i>Preparation for the audience who receives and channels their opinions.</i>
2. Respect for differences, in terms of evolution and other features	<ul style="list-style-type: none">• <i>Recognize the differences arising from their evolution.</i>• <i>Recognize and respect different abilities.</i>• <i>Respect variables involving a diversity of gender, culture, ethnic group, language or any other.</i>
3. Representation and representativity	<ul style="list-style-type: none">• <i>Number of child participants in keeping with universe.</i>• <i>Plurality of representation.</i>
4. Feedback of opinions	<ul style="list-style-type: none">• <i>Constant and horizontal communication.</i>
5. Complementary regulations for the sustainability of proposals	<ul style="list-style-type: none">• <i>Means to report or denounce the lack of consideration of opinions.</i>
6. Training and support for personnel	<ul style="list-style-type: none">• <i>Training, monitoring and evaluation of personnel responsible for discussions with children.</i>
7. Budget allocations for the inclusion of children's opinions	<ul style="list-style-type: none">• <i>Allocation of resources (human, financial, physical)</i>

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