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Strengthening child agency to prevent and overcome maltreatment

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ABSTRACT

This paper examines the inter-relationship between the rights to protection and to participation that are embodied in the UN Convention on the Rights of the Child. Considerable investment has been made over the past 30 years, from local to global levels, in listening to children, affording them opportunity to speak out and to hold adults to account in the realisation of their rights. This experience has highlighted the extent to which listening to children is not only right in principle, but is also a necessary and invaluable means through which to strengthen protection from violence, exploitation and abuse. Only by listening to children it is possible to fully understand the nature, scale and impact of violence in their lives and to develop appropriate responses and services. Only if children can speak out about the violence or abuse they face, does it become possible to challenge it and end impunity for those who seek to hurt children. The right to participate is not only fundamental to children's dignity, and sense of self-esteem and self-efficacy, but is also a vital dimension of their protection. However, in most countries around the world, multiple barriers impede its realisation. If violence against children is to be ended, investment is now needed in measures to build an enabling environment in which every child, including the very young, children with disabilities and those from the most marginalised communities, is able to contribute meaningfully to the decisions that impact on their lives, and to challenge violations of their rights.

1. Introduction

The passage of the 20th Century was witness to a slowly emerging acknowledgement of children as subjects of rights. The earliest development in the international arena arose when Eglantyne Jebb, co-founder of the Save the Children movement, put forward a proposal at the 1924 League of Nations meeting for a draft Declaration of the Rights of the Child. The text, containing just five principles, largely focused on the protection and care of the child, and was subsequently adopted by the League as the Geneva Declaration of the Rights of the Child (1924). In 1948, the Universal Declaration on Human Rights included a provision that entitled mothers and children to 'special care and assistance' and 'social protection' (Article 7.2). And in 1959, a more elaborated Declaration specific to children was adopted by the UN affording recognition to children's right to education, social care, non-discrimination and a name and nationality, as well as protection. Although the International Covenants on human rights addressed 'everyone' and by implication, therefore, included children ([United Nations General Assembly, 1966a, 1966b](#)), it was 30 years before the rights of children were explicitly incorporated into international human rights law with the adoption by the UN General Assembly of the Convention on the Rights of the Child (CRC) in 1989. By this stage, the scope of rights recognised was significantly broader, encompassing civil and political as well as social, economic, cultural and protection rights. As has been well documented, this treaty has become the most widely ratified of any human rights treaty, with the only country failing to do so being the USA. The CRC breaks

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new ground as a human rights treaty. Unlike other treaties, for example, the Convention on the Elimination of all Forms Discrimination against Women and the Convention on the Rights of Persons with Disabilities, that assert the right of women and persons with disabilities to be treated on an equal basis with others, the CRC is not simply a non-discrimination treaty. It explicitly recognises that children do have different status from adults. While it affirms that most human rights extend to children, although excluding, for example, the right to vote or to marry, it also introduces new rights. These rights provide recognition of children's continuing vulnerability and development throughout childhood, while also acknowledging their evolving capacities and the gradual exercise of agency in the exercise of their rights. All the CRC rights apply equally to all children but the balance between the nature and level of protection needed and opportunities for participation necessarily change throughout childhood. Recognition of a gradual and progressive evolution of childhood is central to the implementation of the CRC, allowing for increasing levels of autonomy without imposing the full responsibilities of adulthood before children have the necessary experience and capacities (Zermatten, 2014). It is in the acknowledgement of and response to the critical interface between them that children's optimum development, well-being and realisation of rights will be attained (UNCRC, 2006, 2016).

It is hard to over-estimate the impact the CRC has had in guiding global and national policy development and practice related to children in all spheres of their lives. Prior to 1989 there was limited awareness or interest, at the international level, of the scale, prevalence and impact of violence against children beyond a general commitment to the welfare of children as objects of protection. This perception was far from the understanding in the CRC that they had a fundamental right to protection from any form of violence, including corporal punishment. The CRC dictates a shift from a model of childhood that perceived children primarily as victims, towards a rights based approach which *'requires a paradigm shift towards respecting and promoting the human dignity and ... integrity of children as rights bearing individuals'* (UNCRC, 2011, para 3b). Similarly, the CRC transformed discourse on, for example, youth justice, family life, non-discrimination between girls and boys, and the concept of the best interests of the child. But perhaps the most profound and radical transformation has been through the acknowledgement in the CRC that children are agents in their own lives entitled to be heard and taken seriously, and to be respected for their evolving capacities as they gradually acquire the skills and knowledge to exercise their rights on their own behalf. These provisions are increasingly recognised as critical to the meaningful protection of children.

2. The concept of participation

The idea that children, irrespective of age, are entitled to express their views and have them taken into account in accordance with their age and maturity challenged traditional assumptions about the status of children in most countries across the globe. Yet this is precisely what Article 12 of the CRC asserts. This understanding of Article 12 has been consistently elaborated and strengthened by the Committee on the Rights of the Child in its concluding observations to States as well as its General Comment No.12 (UNCRC, 2009). Its interpretation makes explicit that States have obligations to ensure that children are granted the time and opportunity to explore and express their views on any matter of concern to them, that they should be enabled to do so in whatever form is appropriate for their age and ability, that they are supported to do so in spaces that are safe and child friendly, without discrimination, and that their views are given due weight with feedback provided on outcomes of that process (UNCRC, 2009, para 45). This applies to children as individuals, for example, in the context of decisions relating to health care or child protection, as well as children collectively on broader policy matters. The Committee has gone further and insisted that Article 12 is one of the general principles of the CRC (Pais, 1997). In other words, it is not only a fundamental right, but it is also a general principle that must be considered in the implementation of all other rights. This necessitates that, for example, in judicial and administrative court decisions affecting children, matters relating to family life, adoption, education, protection, health care, social security or any other right, children must be heard and taken seriously. It is important also to note that the expression of views is a right not an obligation. Children are entitled to choose not to express their views in all circumstance and should never be compelled or required to do so (UNCRC, 2009, para.16). Through the adoption of Article 12, the Convention embodied a principle that transforms the status of children from one of passive recipient of adult protection, control and guidance to one of agency and participation. It has been argued that Article 12 is the 'lynchpin' of the Convention because it *'recognises the child as a full human being with integrity and personality and with the ability to participate fully in society'* (Freeman, 1994). It represents one of the fundamental values of the CRC, and challenges States to fundamentally reconsider prevailing attitudes towards children (Pais, 1997).

However, although this right to be heard has been described as participation, Article 12 itself does not include this language. It is more appropriate to understand the concept of participation as encompassing the broader recognition within the CRC of children as social actors, entitled to respect for civil and political rights. Accordingly, participation can be understood as a concept embodying not only Article 12, but also the rights to freedom of expression, thought, conscience and religion, association and assembly, information and privacy (Articles 13–17). It further includes the recognition in Article 5 that parental direction and guidance to children must be undertaken to promote the realisation of their rights and in accordance with their evolving capacities. In other words, as children acquire greater skills, knowledge and competence, they are entitled to take increasing levels of responsibility for the exercise of their own rights (UNCRC, 2016, paras.18–20). Together this 'package' of articles affirms the status of the child as a visible subject of rights with agency and influence, and although they do not grant the child autonomy, they each contribute an important but different dimension to children's entitlement to be heard and to participate. Thus, for example, Article 13, freedom of expression and Article 15, freedom of assembly acknowledge the right of the child to express opinions, speak out, organise, and engage in public debate, activities that gain increasing potential and opportunity in the digital environment. These are, what are often described as, negative rights – rights that the State must not interfere with, but nevertheless must ensure that they are protected and enabled. (for a fuller explanation of state obligations under Article 13 and 15 see relevant chapters in Tobin, 2019). Children

must be afforded the freedom to speak out on those issues they themselves identify as being of primary concern to them, and not merely consulted on agendas defined or prioritised by adults. Article 12 places more explicit obligations on States to create the conditions for children to influence decisions affecting them. And the concept of evolving capacities in Article 5 places obligations on States to provide the legal and policy framework to acknowledge the emerging potential for greater autonomy that comes with age and understanding – and to challenge the notion that parents ‘own’ children as property and are free to treat them accordingly. In summary, children’s participation, at the individual and collective levels can be consultative, collaborative or child-led through their own organisational structures, each allowing for different levels of empowerment and influence (Lansdown, 2019).

3. The case for participation

Involvement of individuals in decisions that affect them, and the opportunity to hold those in power accountable for their actions, is a human right central to human dignity, for children as much as adults. In a sense, therefore, it requires no further justification. However, it also confers huge additional positive benefits for children. Indeed, it is not possible to provide protection from all forms of violence, abuse and exploitation unless and until the right to be heard is realised for every child.

3.1. The value of children’s experience

Many, if not most, cultures around the world have traditionally failed to make the effort to listen to children whether in the home, schools, health care, child protection or the courts, let alone in public policy making. And with this failure, they are ignoring one of the primary and most critical sources of information about the violence that is taking place in children’s lives, and ignoring the implications and significance of differences between adults’ and children’s views. Only by listening to children is it possible to understand the scale, severity and impact of the violence children experience and their feelings and responses to it (Elarousy, Al-Motiri, & Alrays, 2016). Traditionally, the only voices speaking out in defence of, or in opposition to violence against children have been adults – parents, policy makers, advocates, and practitioners. Paulo Pinheiro, the lead author of the UN Study on violence against children, was afforded a direct channel to the voices of the world’s children during the course of that investigation (UNICEF, 2006a). He observed that their message was unequivocal. “*All over the world, from Europe to Palestine, they can’t bear parents beating them. It was a sort of chorus—children complaining about teachers, about parents, about caregivers. For me this was very dramatic.*” (cited in Pincock, 2009, p.21). Pinheiro commented that as a consequence of hearing their voices, he found himself becoming “militant” about banning all corporal punishment. In other words, it was explicitly by listening to children that he understood the imperative for bringing the practice to an end. On a smaller scale, a United Kingdom (UK) study of young children’s experiences of corporal punishment provides an eloquent insight into the very different perspectives that emerge when their voices are heard (Willow & Hyder, 1998). Whereas adults commonly describe such treatment of children as a necessary tool in the armoury of disciplinary tools available to them, always perpetrated with love and not causing harm, the narrative from children tells a different story.

“It feels like someone banged you with a hammer.” (five-year-old girl)

“Sometimes if you smack, if it was an adult like my daddy, he can smack very hard ... he can smack you like a stone ... and you’ll cry.” (seven-year-old boy)

“It hurts your feelings inside”, (seven-year-old girl) (Willow & Hyder, 1998, p.1)

Their key messages were that smacking really hurts, they are deeply upset by it, it leads to escalating physical retaliation, and parents usually regret it. In the view of Durrant a key researcher into corporal punishment, the fact that children are now being asked about their views and experiences of parental corporal punishment fills ‘a gaping hole in the literature’, (cited in Dobbs, 2005). The gulf between adult and children’s perspectives was similarly highlighted in a recent meeting held between the author and children from a school in Jacksonville, Florida (US), who had undertaken a survey to examine children perceptions of safety. It emerged that the issue prompted dramatically different responses. While the adults defined safety in terms of the absence of threats – knives, guns, bullying – the children understood it in terms of trusted relationships and people they could turn to when troubled.

It is also imperative that efforts are made to hear and take account of the views of children living with very differing experiences. The nature and scale of violence faced by boys and girls differs significantly, with many girls, particularly during adolescence facing, for example, child marriage, intimate partner violence, female genital mutilation, ‘honor’ killings or trafficking, whereas boys can be exposed to harmful initiation rites, coercion into militia, extremist groups, and gangs (UNCRC, 2016). Children living in poverty, in institutions, in street situations, children with disabilities, children who are LGBTIQ and indigenous children can all experience different threats to their safety that need to be heard, together with their unique insights and proposals for ending violence. (see, for example, Banks, Kelly, Kyegombe, Kuper, & Devries, 2017; Schmidt, 2017; UNESCO, 2016). The increasing reliance on social media and the internet to exchange information and organise is creating new risks for children, as well as new opportunities, in spaces where there is little or no adult supervision (Livingstone, Davidson, & Bryce, 2017). To date, too little effort has been made to ensure that their unique experience and expertise as users has informed legislative and policy developments to strengthen safety in online environments (Third, Livingstone, & Lansdown, 2019). Nor has sufficient investment been made to utilise these platforms as spaces where children’s voices can be heard and amplified more effectively.

Until the 1990s, there was neither awareness that children had meaningful testimony to contribute, nor any acknowledgement of their right to be heard. However, since the adoption of the CRC, a gradual transformation has begun to take place with growing recognition of children as experts in their own lives (Willow, 2010; O’Kane, Trapp, Watt, & Morgan, 2019). Many respected adult researchers now seek out their authentic voices, a recognition exemplified in a survey in the Philippines, where 90 % of government

officials and adults working in children's non-governmental organisations (NGOs) agreed that listening to children increased the likelihood of protecting them from harm and abuse (Bessell, 2009). Indeed it is apparent that listening to children does lead to better outcomes in child protection (Vis, Strandbu, Holtan, & Thomas, 2010). The evidence that children bring to bear is vital in terms of understanding what actually happens to them, to support advocacy to tackle violence and to inform the strategies needed to achieve that end. It is information that is unavailable to us unless the time and space is created to listen to what children have to say.

3.2. Ending impunity for abusers

Failure to build cultures of respect for the views of children, supported by meaningful opportunities for them to speak out against violence and abuse, inadvertently allows for the perpetuation of cultures of impunity for abusers (Reading et al., 2009; Munro, 2011). Over the past 40 years, a depressing and seemingly relentless catalogue of inquiries have needed to be undertaken into exposures of systemic institutional physical and sexual violence against children – including in care homes in multiple countries, the Catholic church, the BBC in the UK, institutions for children with disabilities (Butler-Sloss, 1988; Kirkwood, 1993; Levy & Kahan, 1991; Republic of Ireland Commission to Inquire into Child Abuse, 2009; Wright, Swain, & McPhillips, 2017). Among the many themes emerging from those investigations, one particular message stands out. The perpetrators were able to continue with impunity because the children were silenced. Their silence stemmed from multiple factors: they were too frightened to speak for fear of further retaliation; they had no safe or accessible mechanisms for complaint; there was no-one they could trust to report what was happening to them; adults were automatically believed over children, with police and child protection agencies failing to act if children did speak; they did not know they had any right to greater protection. Together these conditions allowed the abuse to continue and thrive with countless perpetrators unobserved for decades. In response, the Australian Royal Commission, for example, in its investigation, recommended that across society as a whole children must be able to express their views and have opportunities to participate in decisions affecting them, staff must be sensitive to enabling children to communicate concerns, accessible complaints mechanisms need to be in place and children must be involved in the strategic development, design, implementation and evaluation of child protection initiatives (Australian Royal Commission into Institutional Responses to Child Sexual Abuse, 2017; Wright et al., 2017). Similar patterns of silencing violence can be seen in non-institutional settings as evidenced in the powerlessness expressed, on behalf of many, by an adolescent Rohingya girl in Bangladesh: '[My husband] beats me up ... Whom do I tell about all of this? How will he get punished?' (Guglielmi et al., 2019, p.5). The vulnerability of these adolescent girls to violence is compounded by a cultural expectation that after puberty they must not be seen by men other than their husbands or close male relatives. This precludes them from access to any form of public participation or opportunity to challenge abuse (Guglielmi et al., 2019).

The issue is compounded for children with disabilities who not only face greater risk of violence but often insurmountable barriers in accessing protection, most of which are underpinned by a lack of information, knowledge and opportunity to be heard and taken seriously. (See, for example, Krug et al., 2002; UNICEF, 2005; UNICEF, 2006b; Sobsey, 2003; European Union Agency for Fundamental Rights (FRA), 2015). Research undertaken by Save the Children and Handicap International in East Africa typifies the challenges (Ellery, Lansdown, & Csáky, 2011). First, the isolation of children with disabilities from other children, from school, and from other sources of information means they may not be aware that sexually violent behaviour towards them constitutes abuse. It can also be particularly difficult for children who have high levels of dependency, and who need intimate care, to understand that some forms of touching are unacceptable, and to take measures to protect themselves. Even if the child understands that what is happening is wrong, they may not be aware that they are entitled to protection from such abuse and violence, and are unlikely to know how to report the violence. They are less likely than non-disabled children to have contacts with, or access to, adults outside the home from whom they can seek help, and will often lack information about, for example, helplines and child protection agencies. And even where children with disabilities have information about possible sources of help, children who are deaf, blind or have restricted mobility may find it impossible to reach that help. Their dependency on family members, who in many cases are the perpetrators or relatives of the perpetrators, means these children are often trapped into situations of violence. They may also risk punishment if they do seek help. Finally, even if all those hurdles are overcome, and they succeed in reporting abuse, it is all too common for the police and courts to refuse to believe a child with a disability, assuming that they lack the competence to make a reliable report or to serve as a credible witness in court (Ellery et al., 2011). These multiple barriers result in a vicious circle. Because few cases of sexual violence against children with disabilities are reported, there is very limited awareness of the scale of the problem. This leads to low levels of investment by the state in prevention or response, which in turn contributes to a low level of reporting (Ellery et al., 2011). At the core is the disempowerment of the child, lacking knowledge, denied agency, unheard and silenced.

3.3. Promoting empowerment

Participation contributes to the empowerment of children – to believe in themselves, to build strength through collaboration, and to actively engage in the realisation of their rights. Being listened to and taken seriously together with being informed about their rights and how to exercise them, promotes a sense of self-esteem and belief in the capacity to make a difference (Burke, 2008; Covell & Howe, 2005; Kirby & Bryson, 2002; Kränzl-Nagl & Zartler, 2009). This emerging self-confidence is further strengthened by understanding the reciprocal and collaborative nature of participation – that it applies to all children and that a shared voice is more powerful and effective. Finally, through that collaboration, it becomes possible to have more influence, to advocate together for the realisation of rights and to hold those in power to account. And in turn, the experience of influencing and holding duty bearers accountable reinforces a sense of efficacy, capacity and self-confidence (González et al., 2014; Lloyd & Emerson, 2016; Lansdown, 2019; UNICEF Spain, 2012; Vis et al., 2011). Children who are empowered to speak out and who believe they can make a difference

are not only less vulnerable to abuse and exploitation, but they are also strengthened in their capacity to contribute to building safer communities. Furthermore, children aspire to be heard (Stafford, Laybourn, Hill, & Walker, 2003). It is after all, fundamental to human dignity to be part of decisions affecting us. Consultations carried out in preparation for the 2030 Agenda for Sustainable Development found that participation in development came across as one of the strongest aspirations of children: in over a quarter of countries, children said that they wanted to be actively listened to, by adults and decision-makers (ChildFund Alliance, 2014). Evidence of children's interest and motivation is exemplified in an example described at a conference of young people in Ghana in 2010, held to establish a regional network to challenge violence against children. The members of a child club in Benin, with growing awareness of their right to protection from all forms of violence, had become increasingly concerned about the vulnerability of children with disabilities to sexual abuse. Left alone in huts while parents worked and other children were at school, the club members noticed that these children were vulnerable to being preyed on by men, yet lacked any means through which to defend or protect themselves. They undertook a community mapping of children with disabilities and then fundraised to buy them each a cheap mobile phone. They helped the children understand that by sending a message to an agreed number, they could immediately seek help if they felt themselves to be at risk. (Personal account from a child at the Plan International conference to build a regional network of young people to support the Special Representative on ending violence against children, Accra, 2010).

3.4. Strengthening democratic engagement

Finally, participation serves to strengthen a sense of citizenship, democratic engagement, reciprocity and accountability (Lucio & L'Anson, 2015). Children who are listened to, respected, valued and able to influence matters of concern to them learn to recognize the fundamental importance of these principles. They will grow up seeking to reflect and build them within the communities in which they live. If violence is to be addressed at all levels of society, it will require committed individuals who both believe in and care about justice, respect for human rights and the rule of law. And in the current context of increasing authoritarianism, populism, threats to human rights, the climate emergency, and increasing conflict and migration, we need today's children to grow up confident in their right to speak truth to power and demanding that those in power are held to account on their commitments and obligations (Gibbons, 2014; Committee on the Rights of the Child, 2018). Participation throughout childhood is a powerful route towards the development of cultures that seek and expect those standards to be upheld.

4. The balance between protection and participation

A commonly articulated defence against listening to children is that tension exists between protection and participation, and that creating avenues for children to speak out can serve to jeopardise their safety and well-being. For all the reasons elaborated above, it can be seen that, on the contrary, participation is an essential dimension of protection. Indeed, protection and active participation are mutually reinforcing. It is important here to distinguish between universal protection rights of childhood that apply irrespective of individual children's capacities, and participatory or emancipatory rights that grow in accordance with age and maturity (Lansdown & Wernham, 2012). Children need to grow up in a safe environment that nurtures and promotes their optimal physical, mental, social, spiritual and moral development (CRC Articles 6, 17, 27, 29 & 32). This includes the development of life skills integral to emerging autonomy such as critical thinking and informed decision-making. Furthermore, creating a protective environment promotes empowerment by opening up opportunities for decision-making which children may not otherwise have. For example, creating a safe environment for children online, including age-appropriate privacy settings, wider availability and use of parental controls, wider use of age rating and content classification, codes for online advertising and overspending opens up children's opportunities and potential to access relevant online information and advice (Livingstone, Tambini, Belakova, & Goodman, 2018). Without such a framework, concerned caregivers may be more inclined to block children's access to the internet altogether, thus excluding them from important means of strengthening their autonomy and self-protection (Livingstone et al., 2018). Conversely, protective legislation, policies and professional codes of conduct are not sufficient to keep young people safe if they themselves are not empowered to recognise potentially dangerous or abusive situations or take appropriate action to minimise risks, and are not consulted in the design and development of those provisions (Lansdown, 2005).

The mutually reinforcing nature of protection and participation is thus highlighted by a rights-based and holistic approach to protection. Rather than focusing simply on addressing a list of 'protection rights', this approach adopts a broader vision of protection as the positive promotion of dignity, optimal development and well-being. In so doing it promotes respect for the young person as a rights-bearing individual rather than as a passive recipient 'beneficiary' of services or as a 'victim' (Tobin & Cashmore, 2019). It also situates concepts such as 'evolving capacities' and 'best interests' in the context of all rights to which children and young people are entitled. It is well illustrated in, for example, the South African Constitution: "*In South Africa, health rights are directly connected to the constitutional right to dignity. Furthermore, the right to dignity is central to the right to physical integrity. [...] If a child is to be constitutionally imagined as an individual with a distinctive personality, and not merely as a miniature adult waiting to reach full size, he or she cannot be treated as a mere extension of his or her parents.*" (Mahery, 2009, p.10). This broader definition of protection is also supported by the work of the UN Committee on the Rights of the Child (UNCRC, 2011). It constitutes a paradigm shift which can help transform traditional views of protection and participation as opposing concepts leading to conflicts of interest, into a more sophisticated conceptualisation of protection and participation as being inextricably inter-twined and interdependent.

Concerns about perceived risks associated with participation can be addressed by understanding both its application in practice and the differentiation between individual and collective participation. In respect of both, it is first necessary to distinguish between the process and outcomes of participatory decision-making with children (Willow, 2010). Article 12 affirms that all children capable

of forming a view are entitled to do so and the Committee on the Rights of the Child has been explicit that the concept of forming a view must be interpreted very broadly to include babies and very young children expressing views through forms other than verbal communication (UNCRC, 2009, paras 20–21). In other words, not only should children of all ages be provided with opportunities to express their views, but the processes of decision-making affecting children should be informed by the views of children in all possible circumstances.

In terms of engaging children as a constituency to inform, for example, legislation, policy making, service design, or budgetary allocations, to provide feedback on the effectiveness of such measures, or to organise their own networks, clubs or committees, or engaged as human rights defenders, concern can arise in respect of exposing the children involved to risk. They may face, for example, bullying, exploitation, retaliation, unwanted media exposure or even serious violence at the hands of the state (CIVICUS & Save the Children, 2017; Orr et al., 2016). Furthermore, certain groups of children can be more exposed to risk than others, such as LGBTIQ young people and those working in sex and reproductive rights, and other sensitive topics (UNCRC, 1989). In the context of individual participation where children are involved in judicial proceedings, child protection conferences, decisions about placements and parental contact, concerns might focus on whether children will be emotionally damaged, placed at risk, or inappropriately burdened by exposure to these settings. Clearly, the way children experience participation is critical to the avoidance of harm. To this end, the Committee has elaborated nine basic quality requirements that need to inform participatory processes involving children both as individuals and collectively, to ensure that it is ethical, voluntary, respectful, informed, inclusive, safe and of a high quality (UNCRC, 2009, paras.132–134). These standards must apply whether participation is consultative, collaborative or child led (Lansdown, 2019). Recognition must also be afforded to the growing role of the digital environment in children's lives where participation increasingly takes place independent of adult support. The strategies here need to involve ensuring both that children are informed and empowered to understand the risks and seek help and guidance where needed, but also to utilise their knowledge of the ways they use social media and its role in their lives to help shape policy and the regulatory framework for protection (Third et al., 2019).

However, Article 12 does not mandate decision-makers to follow the child's views irrespective of consequences. Rather, it requires that their views are given due weight in accordance with age and maturity. In the context of collective participation, for example, a consultation with children on their attitudes to corporal punishment, age limits for child labour, or on the design of a child protection policy, the children's views are not determinative, but should be used to shape, inform or prioritise issues in the context of a broader consultative process. Where individual children are involved in decisions affecting them, decision-makers must give them proper consideration but the ultimate outcomes, in terms of the weight afforded to those views, will vary significantly in accordance with a number of factors. In addition to age and maturity, broader human rights standards would indicate additional considerations including the degree of impact or risk of the decision on the child, the child's strength of feeling, how other rights would be affected, and overall consideration of the best interests of the child (Willow, 2010). In summary, avoidance of risk or harm demands investment in ethical and quality opportunities for children to express their views with a rights based approach to the determination of the subsequent weight afforded to them.

5. Enabling environments for participation and empowerment

The 30 years of experience in exploring, analysing and developing models for implementation, since the adoption of the CRC, has provided significant insight into the barriers that inhibit opportunities for the majority of children to inform and influence decisions that affect their lives. Action is needed both to acknowledge the existence of these barriers and to act to remove them, in order to build enabling environments that respect, protect and fulfil children's right to participation. In so doing, sensitivity needs to be afforded to the significant differences in how those barriers impact children of different ages, as well as those who are more marginalised.

5.1. Addressing social norms and barriers

In all countries, children encounter social norms and prevailing cultural values that impede participation rights (UNCRC, 2009). Deep-seated hierarchies of power, at multiple levels within communities, can serve to exclude children from expressing views, involvement in decision-making or seeking access to justice. Recent research in Ethiopia, for example, which identifies high levels of violence experienced by children, compounded by deeply entrenched gender- and age-related social norms, highlights that the lack of spaces or personnel for confidential or safe reporting denies them opportunities to speak out or seek redress (Jones, Gebeyehu, & Hamory-Hicks, 2019). Depending on the political, legal, cultural or religious environment prevailing in any given country, the barriers will impact differentially on the lives of children and their opportunities to speak out and influence matters affecting them. Resistance to children's participation is justified, variously, in terms of childhood incapacity, lack of experience, need for protection, traditional gender role expectations, fear of disruption and need for discipline. Intersectional and structural discriminations can further compound exclusion from participation, for example, for girls, transgender children or children with disabilities. Younger children, too, may experience greater limitations on their right to be heard. Investment in measures to engage with, challenge and potentially transform these norms, and demonstrate the individual, familial and societal benefits of greater democratic engagement with children, will contribute to enhanced participation outcomes but require sustained and holistic interventions. This requires, inter alia, legislative reform, commitment of resources and trained staff, investment in research to build a body of evidence as to the positive outcomes associated with participation, engagement at the community level, positive public messaging on the part of national and local governments, and creation of opportunities for intergenerational dialogue.

5.2. Establishing the legal and policy environment

If the right of all children to be heard in all spheres of their lives is to be realised, it needs to be underpinned by a legislative and policy environment to strengthen and guarantee that right (UNCRC, 2009, para. 48). Establishing legal rights, incorporating them into policies and providing the necessary budgetary support will contribute to the creation of an environment in which participation becomes institutionalised and culturally embedded for all children, rather than simply a series of short-term, one-off activities. For example, legislation relevant to all aspects of children's lives – including schools, child protection, custody and access, residential institutions, health care – must embody the right of children to be heard and for their views to be given due weight, and provision of the necessary resources to create child friendly and accessible means for them to benefit from these legal rights. All aspects of the criminal and civil justice system in which children are involved must ensure that children are fully provided with information about their rights, have access to a lawyer and are listened to and taken seriously. Children need legal recognition of their right to be heard as individuals in decisions affecting them, as well as opportunities to be heard collectively, for example by schools and local and national government in the development of laws, policies, budgets and services. In addition, safe and accessible complaints procedures need to be in place that enable children to challenge violations of their rights. In all such legislation, it is imperative that it applies equally to every child in all settings without discrimination on any grounds. Moreover, if such legislation is to be effective, it needs to be accompanied by policies to guide its implementation on the ground with commitments to transform institutional settings such as schools, hospitals, and courts.

5.3. Promoting awareness of the right to participate

It is not possible for children to exercise their participation rights if they are unaware either that they have those rights or how they can be used. Equally, unless and until professionals working with and for children understand the implications of those rights for their day-to-day practice and the institutions within which they work, and begin to transform the cultures within those institutions, children will continue to be denied the right to be heard. This calls for the strengthening of human rights education in schools, and education on children's human rights for all professionals working with or for children (UNCRC, 2001). Teachers, physicians, nurses, lawyers, judges, psychologists, social workers among others need to learn, not only the rights embodied in the CRC, but also their application to their work with children at the individual level, the institutions or systems within which they work, and the wider policy environment that impinges on the realisation of children's rights. The Committee consistently calls on governments to invest more assertively to achieve this goal, without which it is not possible to achieve the cultural transformation towards rights respecting communities (Lundy, Tobin, & Parkes, 2019).

5.4. Building skills and capacities

In all societies, but particularly those where children are not encouraged to question, speak out, express views, and make decisions, investment is needed to build their skills, confidence and capacities to exercise their participation rights, and to overcome the fear of so doing. They need to be provided with the affirmation that their views are valuable and worth listening to, that expressing them can be done safely and without fear of retribution, and that they will be taken seriously and given consideration. This can only happen if adults are simultaneously, provided with the knowledge, skills and capacities to enable them to work with children in a participatory and inclusive manner, consistent with their human rights. Many adults are resistant to creating spaces for children to speak out, both for the reasons elaborated above, but also because they lack to confidence in how to open up such opportunities and how to manage them. When children are consulted, the context and impact is too often tokenistic, with minimal impact for children (Lundy et al., 2019). Training and capacity building is needed for teachers, medical staff, social workers, lawyers and judges, police, residential care staff, and early years workers, who are working with children, to equip them to provide inclusive, meaningful and effective opportunities for participation in all arenas where decisions about them are being made. In addition, they need the skills to create sufficient confidence among children to speak out and challenge violations of their rights including violence and abuse.

5.5. Creating opportunities for participation

Recognition must be afforded to the imperative for children to be provided with time and opportunities for their opinions to be heard and to be able to influence decisions affecting them. It requires more than one-off consultations. It necessitates the institutionalising of spaces for individual children to be heard in, for example, schools, health care, child protection, work places, and judicial systems. It also requires support for the children to organise, identify issues of concern to them and gain access to relevant policy makers, through their own clubs, groups committees and parliaments where needed (UNCRC, 2016). This might involve opportunities to undertake research, develop strategies for action, provide mutual support and campaign and advocate for change both online and through more traditional routes. And essentially, they must have access to the key policy makers with responsibility for decision-making on issues that affect children, as highlighted by a 16-year-old girl from Nicaragua in a recent consultation on CRC progress after 30 years:

'Spaces for participation, where children are respected by adults, should be promoted, as adults think they are the only ones who are right, and they dismiss children's points of view'. (Cited in O'Kane et al., 2019, p.39). In particular, as a significant cohort of users in the digital environment, it is imperative for children to be engaged with governments and the technology industry in the

creation of safe online spaces (Council of Europe, 2018).

6. Conclusion

In establishing the right to be heard and taken seriously, the drafters of the CRC created the potential for radical transformation in the lives of all children. Article 12, together with the other civil rights in the CRC, without question, pose a profound challenge to children's traditional status, lacking as it did, autonomy, or rights to independent decision-making, or opportunities to participate in major decisions affecting their lives. And the past 30 years has undoubtedly borne witness to huge investment in unpacking and exploring this fundamental right. Accordingly, there has been appreciable progress in law, policy and practice in many countries towards greater recognition of the right of adolescents to express views and have them taken seriously.

However, to date, there is still a very long journey to complete. Many millions of children throughout the world continue to be without meaningful opportunities and, when necessary, the safety and confidentiality to speak out about violence and abuse in their lives or those of others around them. They lack access to justice or mechanisms for complaint or redress, are forced into marriages without consent, subject to laws, policies and programmes which fail to reflect their realities, their best interests or their hopes and aspirations, and lack any access to civic or political decision-making. Where investment in participation is made, it tends to be short-term, piecemeal and reaches only a tiny minority of children.

The CRC demands that children themselves are respected, not as a problem to be resolved, or merely a victim to be protected, but as agents in their own lives, part of the solution to creating safer societies. Now, with the benefit of the 30-years experience, there exists a far deeper understanding of what is meant by participation, models of effective and ethical engagement, and recognition of children's capacities to accept greater responsibility for decisions in their own lives than they have traditionally been granted and the potential outcomes it can achieve in addressing violence against children. There is a growing body of tools emerging to help elaborate indicators for governments against which to establish the necessary environments, set goals and track progress. (Council of Europe, 2016), (Lansdown, 2019) (GlobalChild, <https://onlineacademiccommunity.uvic.ca/globalchild>). If there is to be a serious commitment to ending all forms of violence against children, the most important lesson from the past 30 years is that it cannot be achieved unless and until we engage children themselves as key partners in that journey.

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