

Shared legal frameworks



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Shared legal frameworks and basic concepts regarding children's participation. A Brief for practitioners. In this podcast, we have summarized the most important information from the report produced by this panel Project Team on the legal framework and basic concepts in relation to child participation in the European context.

This report is aimed at professionals who work with children aged 0 to 12 years old, although it may also be relevant for other professionals. Parents or guardians of children with an interest in the legal context of children's participation in decision making.

Introduction. The aim of the project is to promote the participation of young children aged 12 years and under in decision making in a transnational context through strengthening professionals, collaboration with young children known for social services, especially in child welfare and child protection, led by eight partner organizations comprising social workers, managers, policy officers, academics and trainers from four countries Belgium, Spain, Norway and Northern Ireland.

The project has three objectives: to increase the skills and knowledge of professionals by creating a media library, to support organizations to create the conditions necessary for participatory social work with young people. By providing a framework for policy officers and managers to support the implementation of a participatory approach. To provide creators with meaningful ethics in this area. Underpinning a child's participation are shared international frameworks, namely the United Nations Convention on the Rights of the Child, as well as specific national legal frameworks, statutory guidelines, policy documents, and more general guidance.

This brief for practitioners focuses on international and national legal frameworks. Legal framework the right of all children defined as those between the ages of 0 to 18 years old to express their views and have these taken into account, is expressly regulated in Article 12 of the United Nations Convention on the Rights of the Child. UN CRC 1989, establishes the following States Parties shall assure 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 due. For this purpose, the child shall in particular be provided the opportunity to be heard in any judicial or administrative proceedings affecting the child, either directly or through a representative or an appropriate body in a manner consistent with the procedural rules of natural law.

The emphasis in Article 12 on such terms as well capable of input and well views being given due with in accordance with the age and maturity of the child. Input indicates that children's participation rights are not absolute, but additional contextual and contingent. It is therefore important for professionals to be aware that the rights in Article 12 are inextricably linked to and affected by other related articles of the UN CRC.

For example, in considering Children's Article 12, rights professionals must also take into account other articles in the UN CRC, namely Article Two. Children's Rights to Nondiscrimination. Article three Interests. Article five The Evolving Capacities of the Child. Article six Children's Right to Life Survival and Development. Article 13. Freedom of Expression to receive and impart information either orally in writing or any medium of the child.

Child. Article 40. Freedom of Thought, Conscience and Religion. Article 50. Freedom of Association. Article 16. Right to Privacy in Correspondence and Article 17. Access to Information. Article 23. Children with Disabilities. It is also important for the professionals to be aware of the UN general comments, which must be read in conjunction with the UN CRC because they provide detailed advice and guidance on the implementation of the articles in relation to children's participation.

The following are particularly relevant. General Comment Number Five. UN 23. General measures of implementation for the Convention on the Rights of the Child. General Comment Number seven. UN 25. Implementing Child Rights in Early Childhood. General Comment Number Nine. UN 2006. The Rights of Children with Disabilities. General Comment Number 12. UN 2000. On the right of the child to be heard.

General Comment number 14. UN 2013. The best interests of the child. General Comment number 25. UN 2021. Children's rights in relation to the digital environment. The UN also issued guidelines to assist in the implementation of children's rights. Therefore, of importance for professionals in their work with children are the United Nations guidelines for the care of children under 21.

Furthermore, in working with children with disabilities, professionals should be aware that the UN Convention on the Rights of Persons with Disabilities UN Six is also relevant. Article one, for example, sets out the general principles of the convention, including nondiscrimination in both. Well, equality of opportunity in the quote well respect for difference and acceptance of persons with disabilities as part of human diversity of humanity and quote, quote, full and effective participation of persons.

And lastly, the United Nations General Assembly's set of global goals for sustainable development goals in 2015 to be achieved by 2030, known as the 2030 Agenda. Professionals should be aware of the Sustainable Development Goals if e.g., specifically, those relating to children's participation including goals for ensuring inclusive and equitable quality education and promoting lifelong learning opportunities for all. Goal five Achieve gender equality and empower all women and girls.

Goal ten Reduce inequality within and among countries. Goal 16 Promote just peaceful and inclusive societies. Essential concepts. Participation. The UN CRC does not define what is meant by participation. This term is explained further. In general, Comment number 12. The rights of the child were deferred until 2009. Paragraph three as follows quote This term has evolved and is now widely used to describe ongoing processes such as exchanges of information and dialogue between children and adults on the basis of mutual respect in which children can learn how their views and those of the adults are taken into account and determine the outcome of these processes.

Paragraph three to the act of participating is not a momentary act, but a process which must be expanded over time to all areas and involve actions that facilitate real space. Full participation. The active participation takes shape in the context of the three following conditions the provision of child-friendly, flexible information, the provision of the appropriate means, time and space, in which a child can express an opinion verbally, nonverbally or through any medium chosen by the child's expression of the view, perspective or opinion.

The taking into account of and or the application of the opinion by the relevant adult who has the appropriate attitudes. This is helpfully laid out in the long view which underpins the child and youth Participation Strategy in the Republic of Ireland. Special attention to younger children in relation to younger children. Significant obstacles to the exercise of this right may be accounted for depending on factors connected with the child, their age, maturity and or capacity.

The issues being explored, and factors can include the views, attitudes, beliefs and practices of the adults on whom they were not professionals should be attuned to their assumptions, attitudes and beliefs as these may pose barriers to younger children and their right to bear an into the general common law. 7005. Implementing child rights in early childhood reminds us that young children are rights holders.

Paragraph three but young children should not be discriminated against. Paragraph 11 and that young children are asked to participate in their lives. It also states in paragraph 14 that, well, respect for the young child's agency as a participant in family, community and society is frequently overlooked or rejected as inappropriate on the grounds of age and immaturity. In many countries and regions, traditional beliefs have emphasized young children's need for training and socialization that may have been regarded as undeveloped, lacking even basic capacities for understanding, communicating and making choices.

They have been powerless within their families and often voiceless and invisible within society. The committee wishes to emphasize that Article 12 applies both to younger and to older children as holders of rights. Even the youngest children are entitled to express their views, which should be given due weight in accordance with the age and maturity of the child.

Article one Young children are acutely sensitive to their surroundings and very rapidly acquire an understanding of the people, places and routines in their lives, along with awareness of their own unique identity. They make choices and communicate their feelings, ideas and wishes in numerous ways long before they are able to communicate through the conventions of spoken or written language, and to enable young children to access their articles of rights.

Requires adults to adopt a child's attitude, listen to young children and respect their dignity and their individual points of view. General Comment Number seven. Um. 2540 The child's level of understanding depends on the set of factors according to the child and the circumstances. Therefore, each situation must be assessed on a case-by-case basis. The loving model assists in conceptualizing this context to deliver her special characteristics with the right to child participation regarding the child's age.

The convention does not impose any age limit on the child's right to express his or her views and discourages state parties from introducing by law or in practice infants that restrict the child's play. General comment number 12 so that the child to be heard up 2929 states will children's level of understanding are not uniformly linked to the biological age. Research has shown that information experience, environment, social and health expectations and levels of support all contribute to the development of the child has to be performed.

For this reason, the views of the child have to be assessed on a case-by-case examination. Input regarding the child's level of maturity. General Comment Number 12 The rights of the child in her under 30 notes that this refers to the capacity to understand and specifications of the different issues and the ability of a child's expressed reasonable views on the issues in a reasonable and that the general comment indicates that it would be advisable for the protection of to develop a protocol to facilitate the transfer that the children exercise.

Correct. To assist in responding to individual children on a case-by-case basis, The concept of evolving capacities is emphasized. Double comment on the seven UN 2570. This refers to the processes of maturation and learning whereby children progressively acquire knowledge, competencies and understanding, including acquiring understanding about their rights and about how they can best be respecting young children's evolving capacities is crucial for the realization of their rights and especially significant during early childhood because of rapid transformations in children, physical, cognitive, social and emotional formation from earliest infancy.

The beginning of school. Regarding the role of parents, caretakers and professionals. This is critical. Comment number seven. Um, because in fact paragraph 17 points out that adults have the responsibility to continually adjust the work environment to offer for the child these adjustments based upon the child's interests and wishes, as well as the child's capacity for autonomous decision making and comprehension of physical interests.

Regarding the unique characteristics of every child, the chance must be taken of each child's choices and preferences, their development, their competence and capacities, their age, gender, disability, sexuality, religion, ethnicity, language, culture and heritage and the context and what matters. Must the child be heard? The obligation of children and involving them is mandatory in all matters affecting people. No definition of matter or list of matters that may be considered to affect minors has been included.

However, the committee indicates that a broad interpretation of matters affecting the child should be made to include not only individual purposes but also social purposes in their community and society. Specifically, Article 12 states that publication in any judicial or administrative proceedings affects the child involved in these cases. Special attention must be paid to making these processes accessible and appropriate for months, with specially trained personnel and resources to pay for the protection and care of the child.

How is the child offered? The child may be heard directly or through an appropriate representative or not. It is recommended that the child is given the opportunity to express her views on issues of her own. Whenever possible, attention needs to be paid to situations where there may be a conflict of interest between the child and his or her representative, especially when they are the child's parents.

The need for the representative to correctly convey to the child that the conclusion made is emphasized and the development of the codes of conduct to ensure the proper exercise of this role by representatives is recommended. Best interests of the child as the guiding principle. The UN CRC under Article 3.1 is the first to endorse this general principle by stating that to enroll actions concerning children, whether undertaken by a public or private social welfare institution, courts of law, administrative authorities or legislative bodies, the best interests of the child shall be a primary consideration in both.

Professionals tend to assume that there is a conflict between the term and what is in the best interests of the child. Article three and the child's right to be heard and have their views taken into account. Article 12. However, both articles complement each other since as the GFA states, a correct implementation of Article three is not possible without respecting the people who work well.

Similarly, Article Three reinforces the functionality of all of the above by facilitating the essential role of children in all decisions. Putting the life measures to ensure compliance for the children. The GMC lists measures that should be taken into account and guarantee the exercise of children's rights. Participate. As illustrated in Figure three below. Conclusion Despite the existence of an extensive and comprehensive normative framework that aims to guarantee children's rights, these rights are often not exercised or actively protected.

The principle of children's participation in all decision-making processes that affect them is particularly difficult to put into practice. These difficulties are particularly acute in the case of very young children. We must go beyond the mere conceptualization and recognition of our children's rights. It is essential to reflect on how we see children in childhood and promote new activities, values, behaviours, cultures and beliefs that allow for major cultural change in the way we approach children.

Only in this way and all the existing regulations become real.

