

# **THE MANY FACES OF "CHILD PARTICIPATION"**

**Brno, 24.-25. October 2016**

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# YOUTH PARTICIPATION

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- **Resolution of the European Parliament on measures to protect minors in the EU 1996**
- ❖ .... encourage **the participation of children in democratically** governed organisations and associations
- **Resolution of the Council and Ministers of Youth meeting within the Council of February 8<sup>th</sup>, 1999 on youth participation**



# STUDENTS' - APPRENTICES' - Youth Parliament

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- 1991 – 2016: Students' and Apprentices' Parliament
- 1998: First Youth Participation Conference
- 2008 – 2016: Youth Parliament is held annually at the invitation of the President of the National Assembly



# Political participation of school-aged children

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The **Democracy College** is designed to give children and young people between the ages of 8 and 14/15 insight into how Parliament works and thus trigger a learning process in democracy and parliamentarianism.



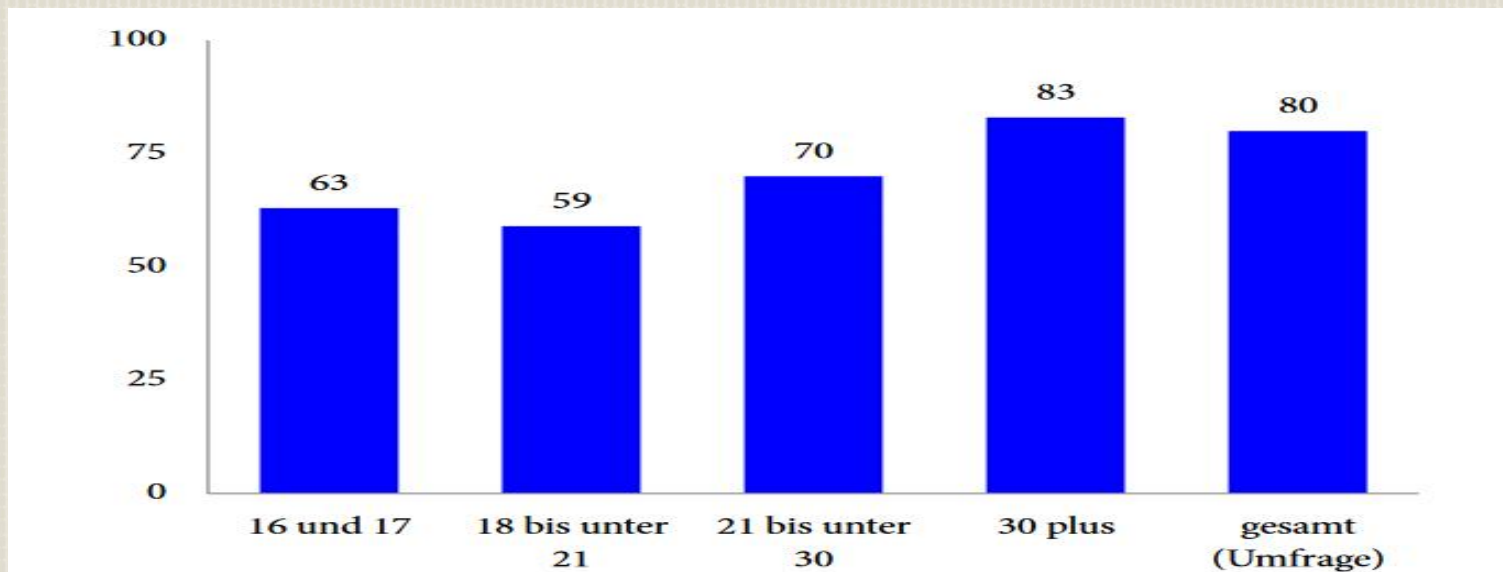


# THE RIGHT TO VOTE AT THE AGE OF 16

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**Voting:** the most quintessential form of political participation

**Turnout of the election to the National Assembly 2013**



# PROPORTION OF PARLIAMENTARIANS AGED UNDER 30

## Global ranking of parliamentarians aged under 30 (per cent)

Single and lower houses of parliament in 126 countries\*

Rank	%	Country
1	12.3	Sweden
2	10.9	Ecuador
3	10.5	Finland
4	10.1	Norway
5	7.1	Andorra
6	6.6	Italy
7	6.5	the former Yugoslav Republic of Macedonia, Tunisia
9	6.1	Denmark, Ethiopia
11	5.9	Cuba, Suriname
13	5.8	Chile
14	5.6	Bhutan, Slovenia
16	5.2	Somalia
17	5.0	Latvia
18	4.8	Serbia
19	4.7	Canada
20	4.6	Austria

Single and lower houses of parliament in 126 countries\*

Rank	%	Country
45	2.3	Argentina
46	2.2	India, Portugal
48	2.1	Albania
49	2.0	Belgium, Czech Republic, Estonia, Hungary, Poland, Sudan
55	1.8	Niger
56	1.7	Israel, New Zealand, Philippines
59	1.6	Afghanistan, Morocco
61	1.5	Switzerland
62	1.3	Montenegro, Russian Federation, Rwanda
65	1.2	China, Ireland, Viet Nam
68	1.1	Algeria, Nicaragua, Uganda
71	1.0	Equatorial Guinea, Greece
73	0.9	Burundi, Spain
75	0.8	Armenia, Japan
77	0.7	Croatia, Lithuania, Romania, Slovakia
81	0.6	United Republic of Tanzania, Zambia



# CONSTITUTIONAL ACT ON THE RIGHTS OF CHILDREN, 2011

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## ➤ Article 1

In all measures affecting children, may they be taken by public or private institutions, the **best interests of the child** shall be a primary consideration.

## ➤ Article 4

Every child has the right to appropriate **participation in and consideration of its opinions** on any child-related matter suited to its age and development.

# Child participation in family life

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## THE “BEST INTEREST OF THE CHILD”

In any matters relating to under-age children, especially their upbringing, care and personal contacts, the best interest of the child is to be maintained as the guiding principle and is to be ensured as well as possible (para. 138 General Civil Code).

Key criteria when determining the **best interests of the child**:

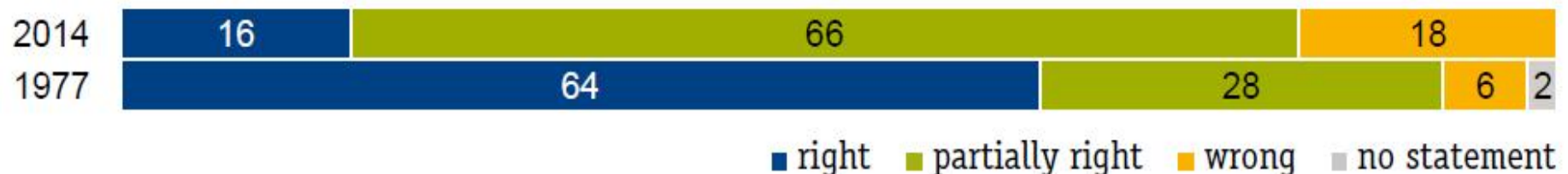
- 1. ...
- 2. ...
- 3. ...
- 4. the support of a child’s talents, abilities, aptitudes and developmental potentials;
- 5. the **consideration of a child’s opinions** depending on its level of understanding and ability to arrive at an informed opinion;



# GRADUAL TURNING AWAY FROM THE PREDOMINANT AUTHORITARIAN PRINCIPLES OF CHILD-REARING

## 1 When adults are speaking, children should remain quiet.

16 percent of interviewed persons deemed this statement to be right, 66 percent found it to be partially right, 18 percent deemed it absolutely wrong. The change compared to 1977 is noticeable – back then, 64 percent thought this statement was right and therefore represented a relatively dominant authoritarian viewpoint on dealing with children. In 1977 only 28% thought the statement was partially right – Austrians today therefore allocate children a much different role in conversations.



# Children's and Youth Advocates

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1989 – *Children's and Youth Advocates*

- Protection of the best interests of the child in all spheres of life:
  - ❖ Provision of legal and psychological advice and support in difficult situations
  - ❖ mediate disagreements of parents ↔ the child
  - ❖ mediate conflicts between the child ↔ child carers, child welfare office, school etc.



# Children play a key role in family decisions ?

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- *“Thanks to the UK's increasingly **child-centric culture**, parents make all big family decisions based on the needs and wants of their children!”*
- **92%** of parents routinely involve their children in all big family decisions.
- Decisions include:
  - ❖ where to go on holiday
  - ❖ what to eat for supper and
  - ❖ the brand of the next car being bought

# Child participation in purchasing and consumption decisions

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- In more than half of all cases (**56%**) children have an influence on the brand of the car their parents buy.
- Children of **divorced parents** have an even stronger influence on what is bought.
- The logic behind it?
  - ❖ compensation for the mothers' / fathers' **feelings of guilt**
  - ❖ parents have difficulties turning down the child's request.

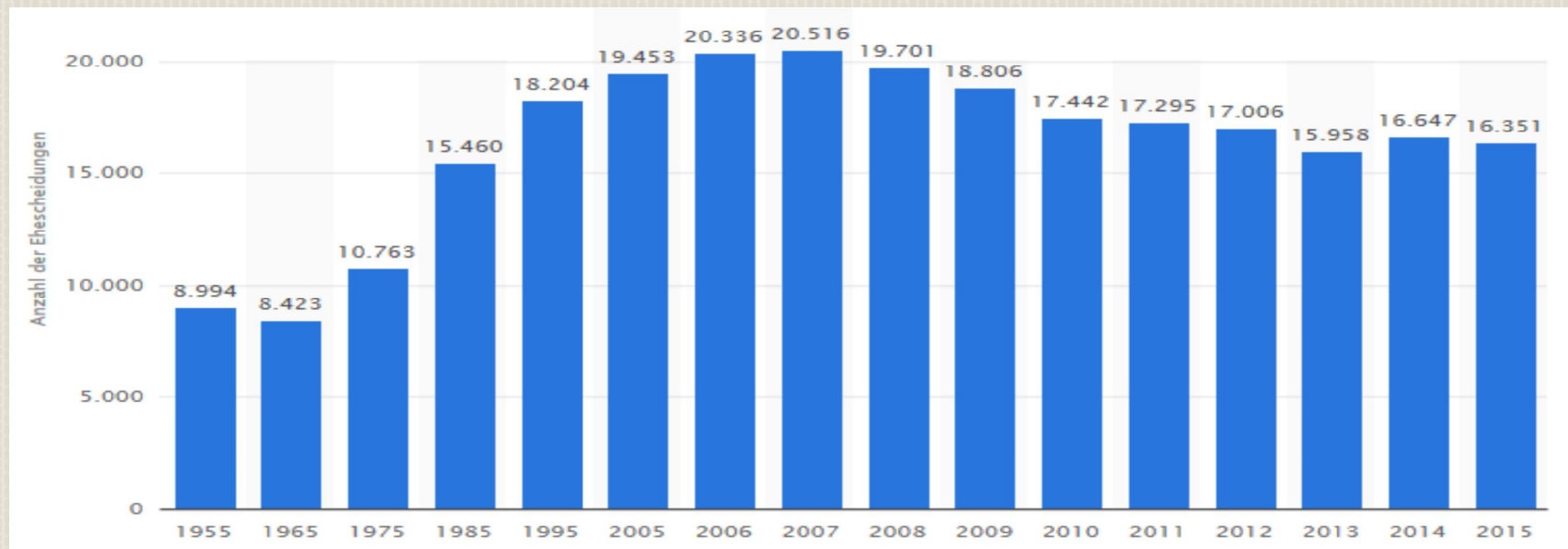
Source: Martin Lindstrøm, "Brandchild", 2010



# MANDATORY PRE-DIVORCE COUNSELLING

- Prior to issuing an application for divorce based on consensus for the court, parents are obliged to see a **qualified counsellor** for advice on the specific needs of the children affected by a looming family separation.

Divorce Rate 1955 - 2015



# Right to be heard and to participate in civil judicial proceedings

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- Children can participate in civil proceedings when they have reached the age of fourteen.
- Children who have not reached the age of fourteen always need a legal representative to participate in proceedings on their behalf.
- Children must be given the opportunity to be heard by the judge.
- Children below the age of ten can also be heard by staff members of the Child Welfare Office or by other qualified experts such as child psychologists.



# Children's Legal Advisor

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- The court may appoint a **Children's Legal Advisor** if special assistance of the child is deemed necessary in civil proceedings regarding **custody and /or visitation issues**, if massive conflicts between the parties in dispute are smoldering.
- The **Children's Legal Advisor** may speak on behalf of the child before the court or he/she may consult the child on how his/her points of view are brought to the judge's attention.

# Family counselling || Family mediation

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- To secure the interests of the child in civil proceedings regarding custody or visitation rights, the court is entitled to order the parents
  - to see a **qualified family counsellor** or
  - to familiarize with **mediation** or comparable ADR techniques; however, its up to the parties whether they consequently will engage in a mediation process on a voluntary basis to find a self-determined solution to their conflict.



# Boy, 12, in Court Seeking 'Divorce' from Parents

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FEATURED ARTICLES  
NEWS

[Boy, 12, in Court Seeking 'Divorce' from Parents : Family: Mother denies her son's allegations of abuse, abandonment. Impact of outcome appears unclear.](#)

September 25, 1992 | From Associated Press

[Boy Is Granted 'Divorce' From Natural Parents](#)

A judge on Friday ruled in favor of a 12-year-old boy who set a legal precedent by going to court to "divorce" the biological parents he said had mistreated and abandoned him. Circuit Judge Thomas S. Kirk told Gregory Kingsley that he was now formally adopted by his foster parents. "Gregory, you're the son of Mr. and Mrs. Russ at this moment," he said as people in the courtroom broke into applause. Gregory leaped to hug his new parents and four of his new siblings.

September 26, 1992 | From Associated Press

# CHILD PARTICIPATION

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- 2012      **Children's Rights Implementation Monitoring Group** established
- 2014      First **“Children’s Parliament”**  
held on the 25<sup>th</sup> anniversary of the  
UN-Convention on the Rights of the Child
- 2015      **Committee on the Rights of the Child**  
(established both in the lower and upper house)



# Child Impact Assessment (CIA)

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- CIA = ex-ante impact assessment tool aimed at facilitating better law-making taking the interests of children and young adults into due consideration.
- Mandatory standard protocol when preparing draft legislation.
- Assessment areas where the proposed legislation may have an impact on children:
  - ❖ *1. Protection, promotion of health and development of children;*
  - ❖ *2. Child care, maintenance provision, financial compensation for costs of children;*
  - ❖ *3. Securing the future of children in a mid-term perspective*



# Children's Rights Square





# The tricky thing about “baby kissing”

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What is the *moral of the story* when someone grabs a child making the child participate in a political event without having obtained the child’s consent?

If you don’t have proper expertise in “baby kissing“, things can turn terribly wrong, leaving both parties moaning or crying!

What a disaster!








THANK YOU  
FOR YOUR  
ATTENTION!





THANK YOU  
FOR LISTENING!