

# 25 YEARS


OF THE CONVENTION ON  
THE RIGHTS OF THE CHILD

**Children Need To Be Heard**

by Bu Wei







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# TO BE HEARD IS THE RIGHT OF THE CHILD

by **BU WEI**

“Children’s participation” is not an integral part of Chinese traditional culture. Let’s be honest, when we normally think of a good child, we usually think “obedient” or “sensible”. Patriarchy and feudalist ethics (e.g., the hierarchy of the monarch, the minister, the father and the son) have defined that children should be obedient to adults, and this has deeply influenced our culture and conduct. In such a case, it is very difficult for adults to listen to, pay attention to, and give consideration to a child’s voice.

Since 1991, guided by the *Convention on the Rights of the Child*, which was ratified by the National People’s Congress, China has made significant progress in promoting children’s participation. Regional and national children’s forums have been held, and local governments and schools have organized special activities for children’s participation.

Yet there is often a misunderstanding that “children’s attendance is participation”. Therefore, it is necessary to clarify the concept and value of “children’s participation” with the framework of children’s rights, and rethink the issues on children’s participation in the Chinese context.

There are at least four reasons why children’s participation is essential and necessary:

“ In children development, participation is to enable them to command their own development, and build confidence and capacity to integrate into society.

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First, in law, children’s participation is one of the important rights of children. In the CRC, the clauses of children’s participation rights are embodied in Articles 12, 13, and 31, also supported by article 2, 3, 17, 23, 29 and others. Article 12 of the CRC shows that “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”.

In China, Article 3 of the Law of the People’s Republic of China on Protection of Minors, revised in 2006, provides that “minors have such rights as right to survival, right to development, right to being protected and right to participation”. It is the first time in China that the law ensures that children have the right to participation.

Second, in the new philosophy of education, children’s participation is important process in which children can develop their subjectivity, and take actions based on strengthened independence, power of judgment and personal sense of responsibility. In children development, participation is to enable them command their own development, and build confidence and capacity to integrate into society.

Third, in practice, children’s participation can promote an effective change and social improvement for children. Because children know their own problems best, they know what methods are most effective and least harmful to solving the problems. In this sense, we can say that “children are experts of their own problems”. More and more investigation show that participation is the best way to solve the problems they face.

And fourth, children’s participation is beneficial to the development of their personality and sociality, and will promote children to learn how to adapt to the future democratic society and play an important role in it. Only through direct participation, can children have a real interest in democracy and form a sense of competence and a sense of responsibility in their participation.

The most common misunderstanding about children’s participation is that children’s “attendance” or “appearance” in public meetings is regarded as “children’s participation”. A child who makes a speech at a conference is often viewed by adults as a “good representative”. Instructed by adults, these children tend to parrot adults viewpoints, yet if a child is merely requested to read or perform what they have pre-

pared beforehand, then, this is not considered genuine children's participation at all.

Children's participation, in a real sense, should be a process in which all children are able to share their opinions. The following points on achieving real children's participation are highlighted as the key reference criteria:

Including children should not only be a momentary act or an individual one-off event, but a process that children can influence policies affecting their lives.

Children must be provided with opportunities to think about their issues and needs, and know the channels to express these issues and needs in their own ways, for example, through play, drama, body language, drawing and painting.

These channels must be transparent, informative, accessible, and child-friendly.

Children must be listened to.

Children's views have to be treated with respect. Not only in respect to participation, but their views should also be treated as accountable. Children are entitled to be provided with clear feedback on how their participation has influenced any outcomes.



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In Yunnan Province, after a mathematics class, students are playing a game to practice what they just learned.



Young people are encouraged to learn through interactive games at a youth-focused participation event in rural China.

Participation must be inclusive, avoid existing patterns of discrimination.

Participation must be supported by training with detailed information about their right to express their views freely, and for their views to be given due weight, and explanations provided on how this participation will take place, as well as its scope, purpose, work methods, and potential impacts.

In China, we need to pay serious attention to children's representation: children's representatives must be those who are elected by children democratically and who are able to represent the interests of certain groups of children, rather than those who know little about their own community and group. Children's representatives may not necessarily be the traditionally accepted "good children". His or her task is not to talk about their good deeds at a public occasion, but to represent the voice of his or her group.

What kinds of matter can children participate in?



**Home:** At home, children are often taken as the ones to be looked after. Yet, as they grow up, children can participate in household chores, family discussions and make certain decisions about their own lives. In addition, parents should listen to children's opinions when settling disputes over property or childrearing in case of a divorce. Outside the family, the law court or others interacting with children should respect their thoughts.

**School:** In school, children's participation is indispensable for the creation of a sociable environment in the classroom, which stimulates cooperation and mutual support needed for child-centered interactive learning. Children can organize themselves to express their views and needs on curriculum arrangement, school activities, school management and school rules, making a school for all children rather than a school merely for "good" children. This will allow all children to be their own masters of learning, applying what they have learned in a practical manner.

**Work:** Chinese law provides that children aged 16 can work and participate in safe labour. Like in other countries, work and household labor is an important part of life for rural children, including left-behind and migrant children. Working children have a right to be protected by the law against exploitation and should be heard when worksites and conditions of work are examined by inspectors investigating the implementation of labour laws. Children and, if existing, representative associations for working children should also be heard when labour laws are drafted or when the enforcement of laws is considered and evaluated.

**Community:** Almost all children live in the community. Children should be supported and encouraged to form their own children-led organizations and community media, which will create space for meaningful participation. In addition, children can contribute their perspectives, for example, on the design of schools, playgrounds, parks, leisure and cultural facilities, public libraries, health facilities and local transport systems in order to ensure more appropriate services. In community development plans that call for public consultation, children's views should be explicitly included.

**Region and country levels:** Some countries and regions take such forms as children's committee and children's council to ensure children's opinions and suggestions about their own matters are valued, including in the process of legislation.

**Regional and international levels:** UNICEF encourages States parties and NGOs to support children to express their opinions at major international venues.

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Despite the progress, in China, children's participation still faces some major challenges. Influenced by factors such as traditional culture, decision-making authorities, educational workers and public opinion, there is a lack of awareness and understanding of children's rights and children's participation.

Since *the Convention on the rights of the Child* was adapted, a number of organizations have conducted trainings aimed at increasing public knowledge and awareness of children's participation for social change. With these continued efforts to educate people, we believe that we will eventually be able to create a social environment in which people respect and encourage children's participation.



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For many years, the focus of classroom instruction was based on rote learning. Now, things are changing and in classrooms like this in rural China, children learn from interactive games and participatory learning.



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