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A Handbook on Child Participation in Parliament

Article 12 is a substantive right that entitles children to be active players in their own lives and to participate in the decisions that affect them. As with adults, however, democratic participation is not an end in itself. It is the means through which to achieve justice, influence outcomes and expose abuses of power. In other words, it is also a procedural right enabling children to challenge abuse or respect of their rights and take action to promote and protect those rights. It enables children to contribute to respect for their best interests.

Article 15 of the Convention also forms part of the foundation of children's right to participation. It guarantees the right to create or join associations and to peaceful assembly. Both of these imply the opportunity to express political opinions and participate in decision-making processes, both are critical to the development of a democratic society and to the realisation of children's rights, which includes the participation of children themselves.⁸

In addition to these two articles, article 13 strengthens children's participatory rights by guaranteeing children freedom of expression along with the "freedom to seek, receive and impart information and ideas of all kinds". Indeed without access to information and ideas and without the right to express all ideas, expression or participation would be rendered meaningless.

3. Children's participation and their evolving capacities

Children can form and express views from an early age but the nature of their participation, and the range of decisions in which they are involved will necessarily grow with their age and evolving capacities. Young children's participation will be largely limited to issues relating to their immediate environment within the family, care facilities and local community. However, as they grow older and their capacities evolve, children's horizons broaden and they are entitled to be involved in the wider range of issues that affect them, from the immediate family to issues at the international level, from the household to parliamentary settings to global conferences.⁹

The Convention on the Rights of the Child is the first international human rights treaty to introduce the concept of the 'evolving capacities' of the child. This has been described as a new principle of interpretation in international law, one that recognizes that, as children acquire enhanced competencies, their need

⁸ Santa Paik, Maria, 'Child Participation', speech by the Director of the Division of Evaluation, Policy and Planning, United Nations Children's Fund, at Geneva University, May 1998. www.unicef.org/evaluation/external/offs_publicaciones/1192MarPaik.pdf, accessed 8 August 2011.

⁹ Lansdown, Gordon, 'Every Child's Right to be Heard: A Resource Guide on the UN Committee on Rights of the Child General Comment No. 12, Save the Children and UNICEF, 2011.

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