

CHILDRENS' RIGHTS OF PROTECTION AND PARTICIPATION

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INTRODUCTION

This research paper focuses on the children's rights and the participation that the children have in their implementation. It is every child's right to have a say on the things that affects its life. However, some children are either too young or too truant to make solid decisions. This research paper discusses on these rights and to what extent that the children can decide on their way of life.

CHILD RIGHTS ON DECISION MAKING

Children have the same rights as adults. As a vulnerable group, children have particular rights that recognize their special need for protection and also that help them develop their full potential. Children are not helpless objects of charity or a property of their parents. They are recognized as human beings and the subjects of their own rights. A child is an individual, a family and community member with rights and appropriate responsibilities for his or her age and development stage. Children should enjoy the basic qualities of life as rights rather than privileges accorded to them (CRC, 2006)

Every child whether a boy or girl irrespective of age is unique and has value importance as a person with a right for their human dignity to be respected. It has a right to have a say in all decisions and matters that concern him or her, to be listened to and his or her opinion taken seriously (CRIN, 2002).

This will enhance understanding and mutual respect between children and adults. The participation of children protects them more effectively from abuse and exploitation. When we understand and respect children's own experiences, we are able to create better protection mechanisms and the children themselves can act as active agents in their own protection. This helps to develop and build recognition of children as independent bearers of rights with a sense of identity and a positive implication for their self esteem (CRIN, 2002).

Children's rights are defined in a wide spectrum of economic, civil, political and social rights. These rights have been labeled as the right to protection and right to empowerment. Some of these rights are:

Right to provision: Children have a right to be provided with a good standard of living, education and services, health care and a right to play. These include access to schooling, a balanced diet and a warm bed to sleep in. They also have a right to be protected from neglect, abuse, discrimination and exploitation (CRC, 2006)

Children also have a right to participation. They have a right to their own programs and services and to take part in them. This includes decision making and involvement in libraries. Some rights allow children to grow up healthy and free. This include; Freedom of speech, Freedom of thought, Freedom from fear, Freedom of choice and to make decisions and Ownership over one's body.

The United Nations Convention on the Rights of the Child (CRC) provides a framework for addressing not only rights to child protection care and adequate provision, but also for participation. A child who is capable of making his or her own views shall be assured by the parties of the state a right to express them freely (CRC, 2006)

The views of the child are given weight according to the maturity and age of the child. A child can participate in the sense of taking part or being present or participate in the sense of knowing that one's actions are taken note of and may be acted upon. The extent to children's participation will vary between and within societies (CRC, 2006)

There has been a clash between the children's protection and participation rights. Protection rights protect the children against exploitation and abuse for the best interest of the child while in participatory rights; children take part in decisions concerning their lives and a right to freedom of conscious and to hold an opinion. Adults and their children's views may not always coincide. Many children's wishes and views are ignored by the adults for the best interest of the child. For instance; (CRC)

Every child is entitled to acquire a name and a nationality. All children registration should be upon birth. The child's name, birth date and parents' names are recorded. When a child is given a name at birth, he or she is not given an opportunity to choose a name for himself or herself. The parents do this for the best interests of the child (CRC).

The child may however, decide to change its name upon reaching the age of maturity. In this case the child is denied a right to participate in choosing its name at first but at later stages of development; the same child can participate in the same by changing to its desired name (CRC).

A child has a right to be protected from all forms of punishment or discrimination regardless of their age, race, sex, religion, status, their expressed opinions, activities and beliefs of the family members. As much as a child has a right to religion, to express their opinion, or equality regardless of their age, these are sometimes restricted by their parents or legal guardians. For instance, a child is not at liberty to join a religion cult without the parents' interference. It is not because the child is denied its freedom to worship but it's for the best interest of the child (CRC).

Children also have a right to get and share information and to express them. In exercising this right, they are supposed to be careful not to damage themselves or the freedoms, rights and reputations of others. They may share information through talking, writing or drawing.

A child's wishes may be ignored if it is for the best of the child. For instance, a child may be denied the right to express dislike or hatred towards a particular person by hurling insults at the person. On the same, the child may be restricted on the manner of expression. For instance through shouting or screaming or demanding instead of asking politely (CRC).

Children have a right of association. They have a right to meet and to join groups and organizations. Not all groups joined by children are acceptable by their parents or guardians; this brings a clash between the children's right of association and prevention of joining them. Children are also restricted from joining into these groups if they stop other people from enjoying their rights. For instance a rioting group which will probably cause peace disturbance to others, or an outlawed group will not be acceptable that the children join (CRC).

Children have a right to privacy. They are protected from attacks in their way of life, their name, families and homes. However, their way of life can be invaded by their parents or guardians if it's for their best interests, for instance, when parents suspect that the child may be involved in drugs or other unlawful activities they may be forced to ransack the child's room or personal effects (CRC).

It's a right for the children to access information. This they get through the radio, newspapers, television, internet and children's books. They have a right to choose what kind of information they would like to access and in which manner. However, not all information is suitable or helpful to them (CRC).

Most of the information provided by the mass media especially the radio, television and internet is unsuitable to children. It may contain violence, obscenity or strong language. Since these are harmful to the children they don't have a right over them and so their parents or guardians have to protect the children from such by deciding on what is good or bad for them. The parents also have to protect on what their children browse on the internet since they can access pornography or sites with violence which are harmful to the child (CRC).

It is a child's right to live with its parents. The child can however be separated from the parents when the conditions are not favorable for the child. Such conditions may be neglect or abuse by the parents or separation by the parents hence the state has to decide on which parent has to live with the child. If the child has no parents the state decides on a home or an institution for the child to live. In this case the child may not have much of a say in the choice of who to live with. Sometimes children run away from their birth homes to live with their relatives or even live on the streets. This may be as a result of poverty or rebellion. The best interests of the child are considered first before the child is taken back to its parents' home (CRC).

CONCLUSION

Children have a right to participate in decisions that shape their life and therefore should be given a chance to express their own opinion. However, this right is only exercised considering the maturity and the best interest of the child. Not all decisions that a child makes will be supported by their parents or guardians. For instance, a child cannot make a decision not to go school. For the best interests of the child the child will be forced to attend school.

REFERENCES

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