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I. Preface

In order to the best interest of the child, Cambodia ratified the United Nations Convention on the Rights of the Child on 15 October 1992 and the Constitution of the Kingdom of Cambodia in 1993 stated that state shall protect the rights of the child as stipulated in the Convention on the Rights of Child, in particular the right to life, education, protection during the wartime, and from economic and sexual exploitation. The State shall protect children from acts that are injurious to their educational opportunity, health and welfare. Also, for the best interest of the child, Cambodia ratified some international Conventions such as ILO Convention No.138 on the Minimum Age of Children enables work, Convention No. 182 on Prohibit and Urgent Activities for Elimination of all Worst Forms of Child Labour, two Optional Protocols of the Convention on the Right of the Child on the Involvement of Children with Armed Conflict and the on Sale, Prostitution and Pornography of Children, Protocol to Prevent, Suppress and Punish Trafficking in person, especially Women and Children, and Hague Convention on Child Protection and collaboration related to Inter-Country Child Adoption.

Under wise leadership of Samdac Akkha Moha Sena Padei Techo Hun Sen, Prime Minister, Cambodia has achieved progress in all sectors; among of them the child welfare sector has remarkable achieved having set prioritized work for children in its political agenda. On the occasion of 64th International Children Day's 1st June, World Day Against Child Labour 12 June and Cambodian Children Day 2013, Samdac Akkha Moha Sena Padei Techo Hun Sen provided the recommendations "in providing opportunity for children to implement their rights of participation through forum in all levels including local, national and regional levels. All children's views should be considered and integrated into action plans for promotion child rights. Promotion child participation means we better and more effectively address their issues. In that regard, if there is child right violation such as school dropout or child exploitation; those issues can be quickly reported to authorities for the timely and effective response. At the same time, the Ministry of Women Affairs is cooperating with development partners in order to speed up the research and evaluation on the violation on children for effective response."

According to the content of CRC, especially the articles 12, 13, 15, 17 and 42 have expressed main duties of state party is to guarantee the

opportunity for children to express their view and get information and right to peacefully gather together. The promotion of child participation is to provide opportunity for children in decision making for the better response to matter concerned them because it is only children that better understand their matter and needs than the other people. That is why ministries, institutes, development partners, NGOs and IOs involve in creating youth or children movement clubs such as Cambodian Red Cross youth and Cambodian Scout, Children Council at School, Child Advocate Network, Children and Young People Movement for Children Rights become advanced movement for children and youth in society and different forum at community, national and international levels.

The decision on guideline for applying child participation is another new step of efficient child participation promotion in the implementing CRC. The Cambodia National Council for Children strongly believe that this decision is a tool for the ministries institutions and relevant authorities in all levels and NGOs using more effective for promoting child participation to express their views and concerns and promote the implementation of better and effective the right of child participation.

The Cambodia National Council for Children would like to appreciate the technical team of CNCC Secretariat General, Plan International, Save the Children and NGO Coalition on the Rights of the Child who financially and technically supported the preparation of this importance paper and hope that this decision will be implemented high effectiveness in order to promote the right of the child participation for the best interest of the child. ✓

Phnom Penh, February 2014

Chairman of CNCC





Cambodia National Council for Children
No: 018 CNCC

Phnom Penh, Date 24 February, 2014

DECISION
ON
GUIDELINE FOR APPLYING CHILD PARTICIPATION

Chairperson of Cambodia National Council for Children

- Had seen the Constitution of the Kingdom of Cambodia
- Had seen Royal Degree No. NS/RKT/0913/903 dated 24 September 2013 on the appointment of the Royal Government of Kingdom of Cambodia
- Had seen Royal Krom No. 02/NS/94 dated 20 July 1994 which promulgated the law on the Establishment and Operation of the Council of Ministers
- Had seen Royal Degree No. NS/RKT/1209/1201 dated 21 December 2009 on the Establishment of the Cambodia national Council for Children
- Pursuant to Conventions on the Rights of the Child which was signed on 22 September 1992 by the Supreme National Council and ratified on 15 October 1992
- Pursuant to Optional Protocol on the Convention on Child Participation in Armed Conflict and Optional Protocol on the Sale of Children, Child Prostitution, and Child Pornography which was ratified by the National Assembly on 02 January 2002
- Pursuant to Circular on the Implementation of the recommendations of the UN Committee of the Rights of the Child dated 13 July 2012

DECISION

Article 1: Purpose of this guideline

The guideline will help adults, in government ministries and institutions, NGO agencies and community based organizations, who work with or/and for children to promote quality child participation at sub-national, national and international levels on relevant issues or concerns affecting children.

The guideline offers simple tips and steps for facilitating child participation to well express their view in meeting, consultation workshop or in the decision making process. The guideline will guide the users to properly facilitate child participation in three stages include pre-event, during event and post-event.

Who is a child?

In accordance with Cambodian civil code 2007 and United Nation Convention on the Rights of the Child (UNCRC), a child is any human being under the age of 18 years old.

Article 2: Definition of child participation

Child participation can be defined differently in different context for different working groups. In the context of this guideline, we mean child participation to be about providing opportunities to children to share their views in decision making process on matters affecting them.

(Please see relevant articles on child participation in appendix 5)

Article 3: Importance of Child participation

Child participation is a learning process for children to develop and prepare themselves to become capable adult and active citizens; in which children learn extra knowledge, learn how to do communication and get external information. Child participation is a means for realizing other rights. Child participation allows adult stakeholders to better understand the needs and interest of children for better response. Children know about their own lives and have their own thoughts, feelings and views. Child participation is a way of building self-esteem, self-confidence and leadership for children.

Article 4: Level of Child Participation

In practice, there are several levels of child participation. For the context of this guideline, we target two levels of child participation. Level 1 is consultation and level 2 is joint decision (collaborative participation).

Level 1: Consultation means that adults seek children's views in order to build knowledge and understanding of their lives and experience. In this level, adults already have initiatives, led and managed the process of consultation. Then adults have to listen and respect the children's views for setting agenda and their action plan.

Level 2: Joint decision (Collaborative participation) means adults have initiatives or children have initiatives; but adults and children discuss those initiatives together and make the decision together in mutual respect, interest and value partnership. Children and adults agree the key shared role and responsibility to implement and manage the initiatives. The outcome of the initiatives owned by children and adults involved. It is allowing children to influence in process and outcome of the initiatives.

Article 5: Key principles of child participation

Key principles that should be implemented when working with children for any activity as the following:

Voluntary

Child Participation must be voluntary and not forced upon any child. Children can freely choose to join or not to join the participation process and to withdraw themselves from the process any time. Child participation should not badly disturb children's other commitments such as study time, activities at home, play time and so on.

Informed

Children should receive full and easy understanding information on the background, purpose, venue and possible outcomes of the events of their participation in an event/decision making process before they decide to participate or not. This information includes possible risks that might happen in the process such as travel accident and so on. After the event children should be informed on the event outcomes.

Respect children's view

Child participation should have an arrangement or process for children to freely express their personal view on the discussion subject matter, and their ideas must be respected accordingly. Adults can also raise their ideas to discuss with children in any necessary case and children are the one who give feedback and agreement.

Best interests of the child

The outcomes of child participation must serve children's direct or indirect interest for short term or long term interest. If not, children should not be involved in the process.

The child participation process should not cause disadvantage to education, recreational activities with their friends, and works for their family and extra burden to girls and boys.

Support from adults

The support of adults should be available at all times for child participation; pre-event, during event and post event. Adults should make sure that children have all relevant information about the topics for discussion. Adults should make sure that children fully understand such information. Adults should make sure that children understand the process for discussion so that children can confidently and meaningfully express their ideas at the right time. The reading materials and speaking language should be easy for children to understand; and discussion environment should be friendly and no fear for children. The arrangement should be made to ensure there is no dominance or influence on children's expression.

Safety

The children should be protected and their security ensured pre-event, during-event and post-event. Risk assessment must be made in order to take preventative measures to ensure the safety for children.

Inclusion and non-discrimination

When collecting children's view, make sure that the views of children from different groups are included, girls or boys, out of school children, working children, children with disabilities, children with HIV, children of ethnic minority groups, children living in remote area, children living in care and correction center and so on.

Article 6: WHEN TO INVOLVE CHILDREN

Children require lot of time for their personal development to become competent and effective citizens.

Therefore; children should be involved in any discussion or consultation only when the decision affects children or children's lives. If not, children should not be disturbed.

HOW TO INVOLVE CHILDREN

In order to help children better express their ideas on matters concerning them; the above key principles must be followed. Practitioners should arrange child participation into three different stages, pre-event, during event and post event as following:

Pre-event

This is the preparation or planning stage which requires a lot of work. Practitioners should follow, but not be limited to, the following steps.

Step 1: Clear Objective

Practitioners must be clear about the objective why or why not to involve children in the event such as meeting on commune planning, meeting on school management, national or international consultative workshop on planning, law and policies development, and so on.

Is the event relevant to children? If not, we should not involve children. What we want children to do? What we want to get out of children participation? What risk should occur on children when participating?

Step 2: Information sharing

In case the event is relevant to children, practitioners should share information on the event to children or children groups for their consideration and preparation in advance. The information should be detailed enough for children to make right decision. What are the objectives and topics of the discussion? Is event related the child rights or child issues? What is the process of the event? What are the possible outcomes of the event?

Step 3: Selection of representatives

In selection of children representatives for the event, practitioners should consider the following factors.

Voluntary, make sure children fully volunteer to be involved in the event based on informed consent that their participation not forced.

Good representation, good representation in this context means representatives from different groups of children, girls or boys. If possible, the selection of children representatives should be from different children groups such as school children, out of school children, working children, children with disabilities, children with HIV, children of ethnic minority groups, street children, children living in care and correction centre and so on.

Step 4: Venue

Practitioners should make sure that the event will be organized in a safe and friendly place for children. For example, the place should not be so close to the road or under very old building that may cause accident to children. The venue should be accessible to children with disabilities and where-ever possible the venue should allow privacy for girls and boys to freely express their views without disturbance.

Step 5: Language and flow of the discussion

Practitioners should consider language in the event/workshop. Practitioners should use language and word which is understandable and can follow the flow of the discussion for their participation. The flow of the discussion should be organized in a way that children feel no fear and comfortable in expressing their ideas.

In case of the discussion language is not Khmer, the interpreter should be arranged for the children.

Step 6: Support team

In order to facilitate children participation smoothly in the event, practitioners should consider creating a support team for children; and this team should be available to children at any time so that children can prepare themselves and be ready for the actual event or activity. In case of mobilizing children out of their location, steps 7, 8, 9 and 10 should be followed.

Step 7: Consent and Risk assessment

In case children need to move out of their location for the event, practitioners should get the consent and ideas on risk and how to mitigation from children and their parents/guardians in writing in order to prevent any possible risk. Please see the suggested consent forms below in appendix 1, 2 and 3.

Step 8: Travel and accommodation

In case children need to move out from their location, practitioners need to consider the safety of children in travelling. The reliable means of transportation must be selected.

Hotel or guesthouse must be carefully selected for children accommodation to insure the safety for children. Accommodation should not expose children to any risk such as drug abuse, sexual exploitation and so on. The child protection code of conducts or laws should be followed.

Step 9: Chaperone

In case children need to move out from their location, Practitioners must select their chaperones to safeguard children. The selection of chaperones is accounted for gender and age. One chaperone should take care at least 2 or 3 children only.

Please see the suggested roles of chaperone in appendix 3.

Step 10: Proper clothing

In case of national or regional workshop, practitioners should make sure that children are appropriately clothed; not inadequately or miserable clothing. The traditional cloths need to be considered for regional and international event for children to take along.

In case poor children could not afford to have this cloth, the practitioners have to be responsible to give to children.

During Event

This is the important stage that children express their ideas, concerns or comments on matters affecting them. Therefore; practitioners should facilitate the flow of discussion in a manner that girls and boys can bravely express their ideas freely and confidently.

Below are the suggestions for facilitating children to express their freely in the course of discussion.

Step 1: Seating arrangement

Practitioners should arrange the meeting room or meeting place so that children feel no fear or inferiority. For example, children may prefer to sit among themselves rather than mixing with adults. If possible, check with children the way they would like the sitting arrangement.

Step 2: Facilitation of discussion

Practitioners should arrange the discussion in a manner that children feel no fear, comfortable and confident to press their view. If possible, try to make activities fun as children like fun. For example, let children discuss among themselves and report back to the big group, or in some cases if children are afraid of speaking, we need to ask children to express their ideas in writing on a piece of paper or cards and facilitators can read children ideas from the cards. Children may discuss more if they are in separate gender, age or background groups (for example out of school working girls may discuss more if they are with other girls of the same background).

Where-ever possible facilitators should use participatory and creative methods to encourage active participation by girls and boys of different ages and backgrounds. Visual participatory tools such as drawing, drama or other creative methods may enhance contributions and expression by children.

Step 3: Equal Opportunity

In the course of discussion, practitioners should make sure that all children participants have equal opportunity to express their ideas or view on the subject matter as well adult participants. Special efforts should be made to ensure opportunities for the most marginalized children, including children with disabilities, children from the poorest families etc to express their views, experiences and suggestions.

Step 4: Positive feedback

Practitioners should encourage children to discussion as much as possible; and pay attention to and appreciate them with positive feedback even their ideas are not excellent. Positive feedback will encourage more

expression and will build confidence in children. Practitioners/facilitators need to make a clear and encouraging explanation even children's ideas may not be feasible in particular context.

Step 5: Mutual Respect

In the course of discussion, practitioners should create a respectful environment in the discussion through setting ground rules for implementing. For example, respect the view of participants including children, no making fun of or teasing the speaker and so on.

Step 6: Language

Practitioners or facilitators should make sure that all participants or speakers use simple language for children understanding or using picture or drawing for younger children and avoid technical terms or jargon.

Step 7: Support

As planned in the pre-event stage, support team should be available for children during the course of discussion for any possible support.

In case of moving children out of their community, make sure that children and parents/guardians can contact each other in case of emergency.

Post Event

In the post event or activity, practitioners should focus on three main points.

- 1- Make sure that parents or guardians acknowledge the return of their child safety.
- 2- Follow up action: In case of follow up action, practitioners should encourage children to discuss among themselves such as sharing the outcomes of the workshop to their peers or more discussion among children themselves on the subject matters.
- 3- Ensure the accountability to children: feedback should also be given to children who participate to inform them about the outcomes of their discussion (if the outcome happens after).

Preparation Check list

- Did children get full information about the event?
- Did we have children representatives from different groups?
- Did we have a team to support children?
- Did we arrange the friendly environment for children in the event?
- Did we encourage children to prepare a follow up plan after event?
- Did we think of safe travelling and accommodation?
- Did children sign consent form?
- Did children return the risk assessment form?
- Did parents sign consent form?
- Did chaperone sign consent form?
- Did we prepare proper clothing for children?

Article 7:

All provisions which are against with this decision are dismissed.

Article 8:

All ministries and institutions who are member of CNCC have obligation to implement effectively the decision on guideline to apply child participation since the signing.

The Cambodia National Council for Children
Chairman



Copy to:

- Ministry of the Royal Palace
- General Secretariat of the Constitutional Council
- General Secretariat of Senate
- General Secretariat of the National Assembly
- General Secretariat of the Royal Government
- The Cabinet of Samdech Prime Minister
- The Cabinet of Standing Deputy Prime Minister
- As article 8
- Royal Affairs
- Archives-Chronology

Appendix 1: Consent form for children

Consent Form for Children

I, (name of the child),....., living in (address of the child.....) After being explained by(organizer staff/ focal point.....), on the objective and the process of the event.....I, (name of the child) hereby consent to participate in the workshop/event.....organized by.....(name of organizer agency).....at (venue).....from(date of workshop/event.....), with departure date.....and arrival date.....The objective of my participation in that event/ activity is toMy participation is under the care and support of.....(name of chaperone, staff of organizing agencies, eg, NGOs/commune staff).....All expenses on travel, accommodations, foods and others are covered by.....(name of agencies). I am aware that risk might happen in traveling and in the course of this event/activity. In case of emergency my parents can contact me at (organizers at.....)

Child's Signature

Child's Name (Print)

Date

Appendix 2: Risk assessment and mitigation form for children

The form is for children to think and discuss with their parents/guardians on the risk that could happen to them during the travel to participate in the events or activities.

The adults/organizer representatives who invite them or parent or chaperone could help children to identify this risk if they need support.

The form is attached along with consent form for children that can send back to organizer together.

Risk	How to mitigate the risk	Who could support this risk
Identify what risk you expect to be happened and affecting you during the participation	How you mitigate the risk base on your thinking and experience	When you face the risk and mitigate it who you would like to call for help during your travel and participation or risk happen during event

Child's Signature

Child's Name (Print)

Date

Appendix 4: Chaperone role

Chaperone Consent Form

I, (name of chaperone),..... Sex.....Age....., living in (address of chaperone.....), occupation,.....hereby consent to take care for the child (child name) inworkshop/event.....organized by.....(name of organizer agency).....at (venue)from(date of workshop/event.....), with departure date..... and arrival date.....

All expenses on travel, accommodations, foods and others are covered by.....(name of agencies)

I am aware that risk might happen in traveling and in the course of this event/activity.

In the course of my duty, I have to follow the following rules of behavior.

I must never:

- Hit or otherwise physically assault or physically abuse the child that I take care of
- Develop physical/sexual relationships with the child that I take care of
- Develop any activity for children that I take care of, and that could be seen as exploitative or abusive
- Act in ways that may be abusive or may place the child that I take care of at risk of abuse
- Using language, make suggestions or offer advice that is inappropriate, offensive or abusive
- Behave physically in a manner that is inappropriate or sexually provocative
- Sleep in the same room or bed with the child that I take care of
- Act in ways intended to shame, humiliate, belittle or degrade the child that I take care of or otherwise commit any form of emotional abuse
- Neglect or let the child move or act unwatched.

I have read this rule of behavior, I understand its contents, and I agree to its terms.

Chaperone's Signature

Chaperone's Name (Print)

Date

Acknowledged by commune or village chief or institution directors:

Signature

Name and Position

Date

Appendix 5: Relevant articles on child participation

The United Nations Convention on the Rights of the Child (UN-CRC)

Article 12:

1. 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.

2. For this purpose, the child shall in particular be provided the opportunity to be heard in any judicial and administrative proceedings affecting the child, either directly, or through a representative or an appropriate body, in a manner consistent with the procedural rules of national law.

Article 13:

The child shall have the right to freedom of expression; this right shall include freedom to seek, receive and impart information and ideas of all kinds, regardless of frontiers, either orally, or written or in or print in the form of art, or through any other media of the child's choice.

Other articles include:

Article 14: Freedom of thought, conscience and religion

Article 15: Freedom of association

Article 17: Access to information and media

Article 30: Freedom of cultural expression

Article 31: Right to participate in cultural life

Cambodia's constitution

Article 41: Freedom of Expression, press, publication and assembly

Article 43: Freedom of belief

Appendix 6: Methodology

The guideline was written based on the guide of the technical program team of CNCCGS. The information was collected from three different sources, the desk review, interview and focus group discussion and observation.

Desk review, the in-depth review of international and national guidelines and papers on child participation theories and practices in the country as in the region and different continents were reviewed to get inputs, insights and common practices to contextualize for guideline for Cambodian context.

Interview and focus group discussion with key informants from CNCC, Ministry of Education, Youth and Sports, Ministry of Interior, NGOs, school director, commune councilors and children and youth to collect experiences, lesson learned best practice, challenges and recommendations.

Observation, the personal experience and expertise of the consultants around child participation was integrated in the guidelines.

Last but not the least, the draft was consulted and reviewed by the child rights experts, professionals, youth and children from civil society and government agencies.

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