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## **Children's right to participation: a European perspective**

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### **ABSTRACT**

There is a constant negotiation between allowing the child to fully participate in society as an autonomous person with rights and protecting him. The process of building an active citizen starts in school so it should be the place where children learn how to participate. Although there are structures within the educational institution designed to ensure child participation (as school councils), they sometimes lack the means to do it and remain just a formal student organization, conducted and controlled by teachers. The school is a community therefore all the members should be allowed to participate in the decision-making process and in order to achieve active citizenship adults need to become peers with children. This paper describes the development of a children's school council in the city of Iași. The research focused on the evaluation of child participation in secondary and high school pupils and the efficiency of the school council.

**KEYWORDS:** child participation, life-world perspective, risk society, protection, child's rights

## Introduction

*Participation is a little like eating spinach: no one is against it in principle because it is good for you.*  
(Arnstein, 1969)

Political rights and social freedoms and liberties are those rights which are required in order to participate in community life and society. Recognition of this category of child's rights has triggered many discussions in the literature, doctrines dividing into two camps: the opponents and supporters of the thesis "political rights for the child".

The first (Zermatten, 2001) claim that the child does not have purely political rights, because he does not have a status of citizen in the full meaning of the term. The child's status is rather of a quasi citizen whose freedom of expression and association cannot be treated as a manifestation of political rights. Extending all the rights of the child would place him in a bad condition through the establishment of full responsibility. This in turn would significantly reduce the degree of protection that the child would be subjected to. Therefore, neither the child's best interests would be respected. On the other hand, from the strict provisions of the Convention on the Rights of the Child, the child is a complete Rights holder, including political. Due to the Child's condition the political rights have some peculiarities and need a special treatment. However, it should be noted that the recognition of rights for children does not preclude the obligation of the family, community and state to provide special protection. The child may have rights, while benefiting from the care and protection. Unilateral treatment of this issue once again highlights a superficial attitude that some child protection activists have.

In 2000, the Global Youth Action Plan recognizes that the active involvement of young people themselves is a priority for its effective implementation and also provides for children and young people's full participation in society and in decision-making as one of the 10 priority actions. Children are part of the solution to their problems and difficulties which are not a problem to be solved by others. A catalyst in changing attitudes towards

children and young people was adopted in 1989 and almost universally ratified the United Nations Convention on the Rights of the Child. The Convention introduces a new philosophy in respect of the children - it recognizes them as individuals who are entitled to respect and human dignity. It introduces the principle that children can express their opinions in cases that affect them and that they need to be taken into account. Article 12 of the Convention establishes children's participation as a right by itself for all children and young people:

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 29 is dedicated to the educational field. According to this article children's education should aim at:

- Fostering respect for human rights and fundamental freedoms;
- Education in the spirit of respect for his parents, for the language, identity and values, for the national values of the country where he lives, the country of origin and for civilizations different from his;
- Preparation of the child so as to assume the responsibilities of life in a free society in a spirit of understanding, peace, tolerance, equality of sexes and friendship among all people and ethnic groups, national and religious, and persons of indigenous origin;
- Education in respect for the natural environment.

All those purposes can be achieved only by creating a framework for cooperation and active participation of students. However, participation should be voluntary and responsible.

The social and political rights and freedoms are described in detail in the International Covenant on Civil and Political Rights, European Convention on Human Rights and Fundamental Freedoms.

Convention on the Rights of the Child refers to: the child's right to express opinion (art. 12, 13), child's right to freedom of thought, conscience and religion (14) children's right to

freedom of association and peaceful assembly (Article 15), child's right to private life (Article 16); child has access to appropriate information (Article 17).

The promotion and protection of the rights of the child in the EU is one of the objectives of the Treaty of Lisbon.

In November 2006, 1714/2006/CE Decision was adopted as the successor of the Youth Program, Youth in Action Program (2007-2013). The program aims at reinforcing the active civic participation of young people, develop solidarity and promote European cooperation in youth policy. This objective is based on the White Paper "A new impetus for European youth". The five actions include, inter alia, European voluntary service, youth exchanges and political cooperation.

Results of the two Barometer surveys in 2008 and 2009 related to the child's rights show that 76 % of children interviewed were not aware of having rights and 79 % did not know who to contact in case of need. When asked what action the EU should take to promote and protect the rights of the child, 88 % of respondents indicated that the EU should provide more information to children about their rights in an accessible way.

The Commission draws on the expertise of the European Forum on the Rights of the Child and continues to work with this Forum and with Ombudspersons for children and other relevant partners in this area. With this Communication (COM(2011) 60 final, Brussels, 15.02.2011), "An EU Agenda for the Rights of the Child", the Commission reaffirms the strong commitment of all EU institutions and of all Member States to promoting, protecting and fulfilling the rights of the child in all relevant EU policies and to turn it into concrete results. In the future, EU policies that directly or indirectly affect children should be designed, implemented, and monitored taking into account the principle of the best interests of the child enshrined in the EU Charter of Fundamental Rights and in the UNCRC.

These global changes have had an impact on the lives of children and youth. In all regions there are initiatives, projects and programs in which children and young people participate in decision-making processes. But, just like for adults, democratic participation is not an end in itself. This is a procedural right, thanks to which you take part in and influence processes, decisions and activities to achieve justice, influence the outcomes, to expose abuses of power and gain rights.

Talking about childhood is different than to talk about children or child. The term expresses a common condition of childhood, a group of individuals who are under a

specified age (Gaitán, 2006). This condition is not natural but socially constructed, that is defined by a set of norms, rules and behaviors that are attributed to the condition of the child, in a historical moment and in a given society. The social space of childhood is socially constructed and therefore it presents specific historically, socially and culturally determined particularities.

Models, rules and regulations that dictate attitudes towards children are unique and specific to each society. One may say that there are several types of childhood coexisting in a given historical time (Gaitán, 2006).

The position of children in society is changing. Childhood is a relatively recent construction after Ariès (1962), and starts from the beginning of the modern era. Until the 18th century, children were protected and cared for until the age of 6-7 years and immediately after were involved in labor. Only during the philosophers Rousseau and Locke, who criticized this perspective and argued for the protection of children against precarious work, health care and the right to education and social organization separate from the adult world. These initiatives, supported by a series of major philanthropists of the time were important; however, they have not led to major changes and didn't improve the quality of life of children. In the late 19th century, it was the mentality that only the state through its intervention can ensure a childhood for all children. In the early 20th century with the introduction of compulsory education to children unbundled the children environment to that of the adults. But this initiative was not only to minimize child labor and to teach children to read, write and calculate, but also to teach the spirit of morality and patriotism, in other words to teach them to be good citizens (Jans, 2004). As a result, citizenship has become an area exclusively for adults. For children this was the final destination of childhood.

Thus, the position of children has evolved from a strong social participation (labor) with minimal protection during the 18th century and 19th century, a strong protection with minimal participation (labor) during the 20th century. The way parents see their children has also changed dramatically: with the lack of economic contribution to family budgets, parents have found other reasons to appreciate them. Consequently, the number of children fell in the family, and they were respected for emotional reasons only. Nowadays, we live in the era of "the cherished child", the child is not seen as an advantage economically, but on the contrary a significant extra cost. This development has resulted in changes to the social construction of the family. Parents, especially fathers, have become less distant and

authoritarian. Relations between parents and children are democratic, families have moved from authoritarian to the negotiating households.

Children's rights movements today are negotiating the child's position not only within the family, but are also reinforcing the one in the society. Children's tenuous relationship to citizenship has been largely discussed and some of the authors, like Prout (in Drakeford, 2009), suggest that it should be understood in relation to the tensions between control and self-realization in late modernity.

Authors Berger and Luckman (1978) note three key moments in the social construction.

The current generation of children are living in what Beck (1986) and Giddens (1991) call the risk society (Jans, 2004). The authors refer to a transition in the development of Western society. Characteristic of this development is that traditional institutions such as social class, family, scientist, work, state and democracy suffer continuous change and that they are subject to systematic reflections. They are caused by two seemingly opposite trends: individualization and globalization. Jans (2004) assumes that the living conditions of children are influenced by the same fundamental phenomena in the economic, political and social context as the adult life. Trends such as individualization and globalization do not necessarily have the same impact on children that they have on other groups in society, but undoubtedly they determine the conditions of living and their social construction. Individualization refers to the fragmentation of traditional type institutions such as family. Ideological orientations do not offer opportunities for general and non-threatening (protected) environment. Thus, people are given more freedom but at the same time are bound to be makers of their own destinies.

Risk society is an inevitable influence on the social meaning that we ascribe to the participation and active citizenship. Processes of individualization and globalization create a gap between individualized and isolated citizens on the one hand and influential global systems and other structures on the other. In this context there is need for new models to build democracy. New discourses have appeared in recent decades. They are intended to cause new connections between the individual and the community. Van der Veen (Jans, 2004) distinguishes two approaches to establish new patterns of participation: the systemic perspective and life-world perspective.

From a systemic perspective participation is quickly interpreted as a requirement for a functioning society. As a result of risks and challenges we face in late modernity,

various groups support multiple and sometimes conflicting interests. Consequently, the idea of participation becomes more meaningful. The contribution of various actors in society, with citizens can enhance creativity in seeking solutions. For this reason, among others, Hart (1992) argues for the involvement of children in matters of direct concern to them. However, authorities promote participation as a strategy to broaden the basis of policy or strategy to control conflicts of interest.

A systemic perspective assumes an instrumental approach to participatory initiatives. Participation becomes a tool with which to deal with unpredictable situations of insecurity and risk society. While this perspective is not necessarily reprehensible, is unidirectional. To clarify the meaning of participation and active citizenship for children this approach is limited. Participation and citizenship models developed from the systemic perspective neglect the specific of children and are often designed for adults unilaterally. As long as participatory models of controlled systems do not relate to specific children, they cannot successfully engage children.

The life-world perspective introduces a different approach to active citizenship. Citizens feel challenged by all kinds of matters in which collective interests are at issue (Van der Veen, 2001). The preoccupation for global social themes like the environment and peace is sensitive to children and youth, therefore one can say that citizenship from this point of view is no longer centrally promoted, but as a consequence of individualization it becomes a learning process and cannot be considered the outcome of educational efforts. Adults and children need to collaborate, become "peers" in this process and they both have to learn to give meaning and shape their active citizenship (Jans, 2004).

Hart (1992) defines participation as the process of taking part in decisions that directly affect us and the life of our community. Participation refers to influencing decisions and determining change. Participation of children is their voluntary involvement in matters that concern them directly or indirectly, regardless of their situation or affiliation to certain groups of risk.

Thus, we can say that there is no age at which the actual participation begins because each of us are "negotiating" from an early age, even if it is in the forms of crying or mimic. Also, in the informal environment there are various forms of organizations of children, even if they sometimes imitate adult organizations. In literature we find models of hierarchy of children within their group, such as in the bestselling novel *Lord of the Flies*, by William Golding, in which children are settled without an adult in the work of



gathering food, hunting, building shelters, designating a leadership, decision by vote and keeping the fire. These examples reinforce the idea that involving children in significant projects with adults is necessary; participation being a fundamental right of citizenship. It is unrealistic to expect children to become immediately after the age of majority (whether 16, 18 or 21 years in some states) to be responsible citizens without previous exposure to those skills. Children can still be seen as a homogenous group, and the appetite for civic involvement within the group can be as varied as that of adults.

This study aims to investigate the participation of children in school and was made as part of the European Master on child's rights protection, at the "Alexandru Ioan Cuza University", Iași for the preparation of the dissertation thesis.

## **Research Method**

Within today's science it is gradually more accepted the collaboration with children in research and moreover, regarding children as equal partners in research processes, the concept of researching with children rather than about them (Manfred Liebel in Balahur, 2008). This study wanted to give children and adolescents the voice to make themselves heard and their concerns taken seriously that is why I opted for Action research as a research method.

Action research is an interactive inquiry process that balances problem solving actions implemented in a collaborative context with data-driven collaborative analysis or research to understand underlying causes enabling future predictions about personal and organizational change (Reason & Bradbury, 2001). I also chose Action Research the purpose was to identify the main problems of participation and I wanted to work with children in order to clarify it, get an accurate perspective and involve them in the research as partners.

Being a former student at Alecsandri High school, it was easy to establish a connection with the students so that they feel free to participate in the research, but also to get the approval of the teachers.

The objectives of the research were: establish what is the child participation in the school decision-making process, child initiatives and participation outside school

(involvement in projects, voluntary work), how active citizenship is encouraged within the school and most importantly what the understanding of the child's right to participation is.

Research data were obtained by combining the two research methods: qualitative (through participatory observation and interview) and also by consulting and analyzing the resources provided by the staff of the educational institution where the investigation was conducted.

To this end we used a triangulation between several methods including data collection techniques, namely: *documentation* - which is a distinct customer rating method and a process that takes place throughout the period of handling the case (World Vision Organization Manual for good practices in social care, Iași, 2003, p.10), *interview technique* - which is essentially an art "and should only be conducted flexibly and intelligently according to concrete circumstances and persons"(Iluț, 1997:92) and *participatory observation* - which " means to study the inside of a community, by participating in a longer period of time to work them without a default scheme by category or specific hypotheses, it will be developed during the investigation or at the end, aiming towards more complex descriptions and explanations and full (Iluț, 1997:77).

I developed a guide and instruments of observation used in the master classes and a Student Council meeting, an interview guide for representatives of classes in Student Council, applied to three people, interview guide applied to 111 students in grades 5-8 and students in 9<sup>th</sup> , 10<sup>th</sup> and 12<sup>th</sup> grade.

The interviews alone are not sufficient to explore the subtle aspects of behavior, attitudes, and group dynamics involved in participation. Accompanied by observation, however, they can increase the validity of data. The observation guide followed:

- How children's participation is encouraged in school;
- What is best for the children to participate / initiate / propose activities;
- How many of the activities are initiated by adults;
- How are the children supervised during activities;
- What types of activities are taking place within the school;
- What types of activities are conducted outside school;
- How are students motivated to participate;
- How is decision making in school, etc.

The interview guide applied to SC representatives was developed to investigate both how participation is carried out by the student board, and also to see what students believe

they can do to improve their level of involvement. I sought to capture the process of electing the members of the Student Council, class representatives, and also the management board. I also wanted to know what the motivation of a representative of the class is and his role in the Student Council.

The interview guide applied to the students was intended to illustrate what the perception on the right to participate is in different age groups, how they make capital out of it and how it helps them in school activities. I also investigated the types of activities in which students get involved and what their motivation is. At the end of the interview guide, I formulated three questions related to the child's position in the society to find out the age at which children want to participate fully in society, and they believe they can become citizens. The interview guide was structured on three main themes: child participation in school (the school associated to a community, with members with equal rights and obligations, focused on extracurricular activities, main concerns of the child regarding society), child participation in the decision-making and collaboration with teachers (the use of the Student Council as a form to enable child participation in school: elections, meetings, student and teachers initiatives) and child participation in the society (the understanding of child's rights, active citizenship, main concerns regarding the position of the child in the society).

The sampling was non-random or purposive sampling. I wanted to involve children of different age groups in order to have various perspectives on participation, but also to have a balance between female and male respondents and children coming from the rural or urban backgrounds(). The high school classes were also divided into profiles, so I had a class of science (for 9<sup>th</sup>, 10<sup>th</sup> and 12<sup>th</sup> grade) and a class of philology and foreign languages(also for 9<sup>th</sup>, 10<sup>th</sup> and 12<sup>th</sup> grade).

The target group consists of students in 5-8 grades in the secondary school and 9<sup>th</sup>, 10<sup>th</sup> and 12<sup>th</sup> grades of high school. In the master classes they answered questions from the interview guide. We chose one class in the gymnasium, at random, because time and resources did not allow a larger research, but at the same time the number of students was representative, by 20 respondents, on average, in each class. I also conducted interviews with representatives of classes in the Student Council to assess how the Council serves its students, as well as participation of children in school.

Before doing the interview I chose the setting with the least distraction (the classroom, during the master classes), I prepared the respondents giving them information

on the purpose of the interview, addressed the terms of confidentiality, explained the format of the interview, provided my contact information, allowed the interviewee to clarify any doubts about the interview and prepared the method to record the data (audio recording and taking notes).

## **Results**

Students of "Alecsandri" High School usually participate in many activities both within and outside the school. The school has an intense collaboration with several institutions abroad (e.g. Hockerill College in Britain, with ten years working in a project of renovation and maintenance of a Special School "Constantin Păunescu" Iași, school children with disabilities), and projects that are repeated year after year, such as collecting food and clothing for the elderly in hospital Sculeni fundraising for students facing special situations and are temporarily vulnerable, etc.

Alecsandri Student Council is organized according to the Rules of Procedure, the Rules of Organization and Functioning of the school and its regulation. It is an associative structure for students, designed to promote students' interests by providing an optimum environment for developing each student's personality and ability. The representative forum of students, organized separately on the three forms of education: primary, secondary and high school. High School Student Council "Alecsandri" has a longer history and not just as an institution. Alecsandri High School has established a High School Student Association (AELVA), for students in grades 9-12. This association has as a goal to involve youth in civil society, creating a diversified offer of alternative education aimed at training their future by providing an ideal framework for the harmonious development of personality of each member.

Student Council is elected on two levels of representation. At the first, at the class level the leaders are elected, and the second they meet and elect a Chairman of the Students who participates in Board meetings and, in some cases the Teachers Council meetings. Students' participation in decision making is more formal and rather playing the role of channel of information from the school board to the students. There are two elements that are failing students to a greater extent in terms of their representation by the SC. First, consultation with students by the school is poorly organized, made in haste, and does not allow students to discuss each issue under discussion (*"The on duty student comes in the*

*morning and announces that at 11 there will be a council meeting and the head of the class goes there ready to vote. It is not discussed in class, nobody asks us. The vote is made during the Council. It is announced before the council agenda).* Then there is a fracture in the mechanism of communication in the class, because again there is debate among students about the habits of school problems (*"The biggest problem is the lack of communication between the class and class head"*).

For students who are familiar with the election process was pretty easy to propose a system to ensure better representation. It would operate at several levels: regular discussions at the class level, possibly at master classes (*"If there is an issue, we vote at the class level and make a decision on behalf of the Class"*) Student Council elections, announcing the agenda as far in advance Board, along with materials explaining what is being discussed for the class leaders to have time to receive a mandate from the class to vote in the SC as better information for students (*"There is no information, only rumors"*).

An important issue remains the poor involvement of students in school related problems. Participants in the groups of students considered themselves members of the minority who agree to discuss and take part in school life beyond the individual school performance. Such a pessimistic view is presented below: pessimistic perception of a student regarding the involvement of his colleagues: *"There are a few students that really want and can do something. But I propose now to do an experiment, go into a class and choose three students who intend to come here to talk. They would look in a strange way and would ask a hundred times what they need to and why they need to do it. Or, on the contrary, they would come and sit in a corner, would answer yes or no grudgingly. 90% of the students are like this. "*

The 111 respondents were associated with a high school community in which the involvement is obvious through the contributions of individual members and expressed respect and tolerance between the members. Also, like any community, the school recognizes and rewards both individual and group results of all members. Decisions taken at school level should be taken by the mutual agreement of all members. In a community each member has the right to express their opinion and be heard. Responsibility of each member for success / failure in various community activities they carry.

A relatively large number of respondents agreed with the statement: "*all members help each other to solve their various problems.*"

To assess the level of understanding and knowledge of the child's right to participation by students, we issued: "What is the right to participation in your opinion." Mostly, the child's right to participation was associated with the right to an opinion, expression and listening, the answers have deviated for only 30% of the respondents, all of them part of the age group 15-18. Other associations related to this question, were: F, 17, Urban: *The chance that each child should be provided in any area where it wants to say.* F, 17, Urban: *The child's right to participation is a means of empowerment and development of his analytical mind,* or F, 17, Urban: *The child must be integrated into society, must be put to good use and also one part should not be allowed to Even though they say are not yet competent for certain activities.*

Participation is limited to a child outside school. Nearly 70 people have chosen for the item with the age at which children should participate in society that the age at which children could vote should not be limited to 18 years, and child participation can be at any age, provided the presence of discernment. Major differences were seen in the distribution of responses by area of origin, where most rural chose 18 years and the least - 14 years, and for urban areas, the answer "all ages" (meaning 14 years or less). The same difference was observed in the distribution according to sex: female respondents chose the answer "all ages", and male - "18 years" in the majority.

Among the areas of interest for children to develop projects were: environmental problems, global warming and volunteering. This confirms the theory about the difference between the current generation of citizens and children - the first citizens to be is that only deals with these issues in light of current prevention and education to combat not necessarily how they tend to act young.

The utility of participation is perceived differently, most of the age group 11-12 years and 13-14 years attributed a symbolic value only to it, limiting the use of participating to developing communication skills and socialization. The answers to those in age groups 15-16 and 17-18 years were different, much more elaborate and concrete.

### **Concluding remarks**

According to the life-world perspective, participation is a process that needs to evolve along with social changes. Children's ability to learn and play allows them to give active meaning to their environment. Both adults and children can make progress and give active citizenship a new meaning by working together. This research shows that the appetite for social involvement for children is the same as the one in the adult groups, but children show a great potential for changing (most of the respondents would like to collaborate with the teachers in order to make the Student Council more efficient and accessible) and a great concern for problems related to the environment: climate change, pollution and the extinction of species. Children are challenged by all kinds of matters in which collective interests are at stake.

There is a need for more research in the child participation area for us to completely understand the social impact on children and the social involvement of the child as a result of its unique condition. Also we have to embrace the child's distinctive approach to citizenship and these playful and ambivalent forms of citizenship.

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